



# Traffic Court Reference Manual

2006

Prepared by the Georgia Department of Driver Services

Business Standards Unit

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# Georgia Electronic Citation Processing System (GECPS)

Section 5 of House Bill 1253 (2006) amended O.C.G.A. §40-5-53(b), relating to reports of convictions, as follows:

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to the department, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department. The department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary, the clerk shall pay such fees over to the general fund of the city or county operating the court. Where a court has not implemented transmittal by electronic means, the commissioner may require such court or courts to submit by electronic means no later than a future date to be determined by the commissioner."

Driver Services has implemented a more secure and accurate method of electronic file transmission from the courts that includes a uniform format and protocol that must be used by all courts that desire to file electronically. The new electronic process, which is called the Georgia Electronic Conviction Processing System (GECPS), requires each court to submit convictions in a standard format, correct and resubmit any convictions containing errors and also offers the option to file Failure to Appear (FTA) documents and the FTA release for Georgia drivers electronically as well.

Jurisdictions with multiple courts must register each individual NCIC number if they wish to begin submitting convictions through GECPS using multiple NCIC numbers. If you will be using only one NCIC number, then only register the one you plan to use. To begin this process, you must register at the Driver Services' GECPS Court Registration link on our website. Each court must obtain the front-end software solution to properly record, accurately format, and electronically transmit citation data. Driver Services does not provide software for case management, data entry of convictions, or electronic file transmission.

Driver Services urges each court to register and download a current copy of the User Implementation Guide. After you register, a representative from the Driver Services Information Technology Division



will contact you to provide additional instructions and information. Please check our web page frequently for updates to this guide.

## **Why GECPS?**

On July 31, 2002, the United States Department of Transportation, Federal Motor Carrier Safety Administration, finalized 49 C.F.R. 350, et seq. This federal regulation requires that by September 30, 2005, convictions be processed and recorded on the driver record within 30 days of the date of conviction or, for nonresidents, that Georgia has notified the licensing state within thirty 30 days of the date of conviction. The second deadline shortens the time to report convictions to the Department of Driver Services. By September 30, 2008, convictions must be on the driving record within 10 days of the date of conviction or, for nonresidents, that Georgia has notified the licensing state within 10 days of the date of the conviction. In order to meet this mandate and not adversely affect our future federal highway funds, we are all forced to move rapidly toward full electronic transmission of Uniform Traffic Citation (UTC) data from the courts to Driver Services via the GECPS process.

In an effort to present a standard process for implementing this legislation, the Georgia Department of Driver Services has developed a mechanism to facilitate the electronic transmission of UTC data. GECPS is used to transmit and process Uniformed Traffic Citations, Failure to Appear, and Failure to Appear Withdrawal documents electronically.

In accordance with O.C.G.A. §40-5-54(b), every court in each county of this state having jurisdiction over cases involving violations of Chapter 5 and/or Chapter 6 of Title 40 of the Official Code of Georgia Annotated to forward convictions for such offenses to the Department of Driver Services within 10 days. This requirement also applies to convictions for violations equivalent to a Chapter 5 or Chapter 6 violation based upon ordinances adopted by cities and counties. Convictions for violations of laws (other than speeding in a noncommercial motor vehicle) for which no points are assigned under Code Section 40-5-57, standing, and parking are the only exceptions.

A copy of the Georgia Department of Driver Services GECPS Implementation Guide can be obtained in PDF format from the following website:

<https://online.dds.ga.gov/gecps/guide.aspx>



# GECPS Violation Rules List

## Georgia Violation Rules

### Published

05/23/2005

**Only those offenses listed below will be processed onto driver history.** Any offense indicated as "Submit Only if Commercial Vehicle" will be processed only if "Commercial Vehicle" is "yes" on the Uniform Traffic Citation. Any conviction submitted with an offense not on this list will be returned to the submitting court, unprocessed.

### Georgia Legal

### Submit only if

### Code Description

### Commercial Vehicle

16-13-2	POSSESSION OF MARIJUANA	
16-13-2B	POSSESSION OF MARIJUANA	
16-13-30	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE	
16-13-30A	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE	
16-13-30B	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE	
16-13-33	CONSPIRACY TO POSSESS CONTROLLED SUBSTANCE	
16-13-72	ILLEGAL POSSESSION OF DANGEROUS DRUGS	
3-3-23A2A	PURCHASING ALCOHOL UNDER 21	
3-3-23A2B	ATTEMPTING TO PURCHASE	
3-3-23A2C	POSSESSION OF ALCOHOL BY MINOR	
3-3-23A3	MISREPRESENTING AGE TO PURCHASE ALCOHOL	
3-3-23A5	USING FALSE ID TO PURCHASE ALCOHOL	
32-1-10	COMMERCIAL MISDEMEANOR	X
32-6-20	EXCEED/VIOULATE SIZE, WEIGHT, PASS/CARGO LIMIT	X



32-6-21	FAILURE TO SECURE LOAD	X
32-6-22	EXCEED/VIOULATE HEIGHT LIMIT OF VEHICLE/TRUCK	X
32-6-23	EXCEED/VIOULATE WIDTH LIMIT OF VEHICLE/TRUCK	X
32-6-24	EXCEED/VIOULATE SIZE LIMIT OF VEHICLE/TRUCK	X
32-6-28	VIOULATE EXCESS SIZE/WEIGHT PERMIT	X
32-6-30	FAILURE TO WEIGH OR STOP AT WEIGH STATION	X
32-9-4	IMPROPER LANE USAGE	
40-2-114	UNLAWFUL OPERATION - MOTOR TRUCK	X
40-2-20	EXPIRED OR NO LICENSE PLATES OR DECAL	X
40-2-31	LICENSE PLATE SPECIFICATIONS	X
40-2-38	EXPIRED OR NO REGISTRATION OR TITLE	X
40-2-41	OBSCURRED OR MISSING LICENSE PLATE	X
40-2-44	EXPIRED OR NO LICENSE PLATE OR DECAL	X
40-2-5	ACQUIRING LIC PLATE TO CONCEAL VEH IDENTITY	X
40-2-6	MISSING/DEFACED/OBSCURRED LICENSE PLATE	X
40-2-8	EXPIRED OR NO LICENSE PLATE OR DECAL	X
40-2-88	EXPIRED OR NO REGISTRATION OR TITLE	X
40-2-90	EXPIRED OR NO LICENSE PLATES OR DECAL	X
40-3-90	ALTERED/COUNTERFEIT CERTIFICATE OF TITLE	X
40-4-21	FALSIFICATION OF VIN OR REGISTRATION PLATE	X
40-4-22	POSSESSION OF VEHICLE W/ALTERED VIN	X
40-5-120	IMPROPER USE - DRIVER LICENSE	
40-5-121	DRIVING WHILE LICENSE WITHDRAWN	
40-5-125	FALSE REPORT/APPLICATION FOR DRIVER LICENS	
40-5-142.22E	VIOLATION INVOLVING FATAL ACCIDENT	
40-5-143	POSSESS MULTIPLE DRIVER LICENSES	X
40-5-146	DRIVING WITHOUT PROPER CDL	X
40-5-149	EXPIRED OR NO DRIVERS LICENSE	X
40-5-149B	FAILURE TO REPORT NAME OR ADDRESS CHANGE	X
40-5-151G	VIOLATING OUT OF SERVICE ORDER	X
40-5-152	COMMERCIAL DRIVING W/MEASURABLE BAC	X
40-5-20	EXPIRED OR NO DRIVERS LICENSE	X
40-5-20A	EXPIRED OR NO DRIVERS LICENSE	X
40-5-20B	ALLOWING UNLICENSED PERSON TO DRIVE	X
40-5-20C	POSSESSION OF MULTIPLE DRIVERS LICENSES	X
40-5-29	FAILURE TO HAVE LICENSE ON PERSON	X
40-5-29A	FAILURE TO HAVE LICENSE ON PERSON	X
40-5-30	VIOLATING RESTRICTION OF DRIVER LICENSE	
40-5-32A	EXPIRED OR NO DRIVERS LICENSE	X
40-5-54A2	MOTOR VEHICLE USED IN FELONY	
40-5-55	REFUSED TEST - IMPLIED CONSENT	
40-5-56	FAILURE TO APPEAR FOR TRIAL OR COURT APPEAL	





40-5-58	HABITUAL VIOLATOR	
40-5-58C	HABITUAL VIOLATOR MISDEMEANOR	
40-5-58E	VIOLATE LIMITED LICENSE CONDITIONS	
40-5-64	VIOLATE LIMITED LICENSE CONDITIONS	
40-5-65	OPERATING MV W/OTHER LIC WHILE SUSP/REV	
40-5-67.1C	ADMINISTRATIVE PER SE	
40-6-10	FAILURE TO MAINTAIN INSURANCE	
40-6-10A	FAILURE TO MAINTAIN INSURANCE	
40-6-10B	FAILURE TO MAINTAIN INSURANCE	
40-6-10C	SHOW/USE IMPROPERLY-INSURANCE CERT	
40-6-11	NO PROOF OF INSURANCE - MOTORCYCLE	
40-6-120	IMPROPER TURN	
40-6-120A1	IMPROPER RIGHT TURN	
40-6-120A2	IMPROPER LEFT TURN	
40-6-120B	IMPROPER TURN	
40-6-121	MAKING IMPROPER U TURN	
40-6-122	IMPROPER STARTING	X
40-6-123	FAILURE TO SIGNAL LANE CHANGE OR TURN	
40-6-123A	IMPROPER/ERRATIC LANE CHANGE	
40-6-123B	GIVING WRONG SIGNAL	
40-6-123C	IMPROPER STOPPING	
40-6-123D	IMPROPER SIGNAL	
40-6-124	FAILURE TO SIGNAL/IMPROPER SIGNAL	
40-6-125	IMPROPER USE OF HAND SIGNAL	
40-6-126	CENTER LANE VIOLATION	
40-6-14	EQUIPMENT USED IMPROPERLY-EXCESSIVE NOISE	X
40-6-140	FAILURE TO OBEY RR CROSSING RESTRICTIONS	
40-6-140A	FAILURE TO OBEY RR GRADE CROSSING RESTRICTIONS	
40-6-140B	FAILURE TO OBEY RR CROSSING RESTRICTIONS	
40-6-140C	FAILURE TO SLOW FOR RR GRADE CROSSING	
40-6-140D	DRIVING OVER RR CROSSING WHEN TRAIN APPROACHING	
40-6-140E	DRIVING OVER RR CROSSING W/OUT SUFFICIENT SPACE	
40-6-140F	DRIVING OVER RR XING W/OUT SUFFICIENT CLEARANCE	
40-6-141	FAILURE TO OBEY RR GATES/SIGNS/SIGNALS	
40-6-142	FAILURE TO STOP AT RAILROAD GRADE CROSSING	
40-6-142A	DISREGARDING SIGNS OR CONTROL DEVICES/RR	
40-6-143	MOVING HEAVY EQUIPMENT AT RR GRADE CROSSING	
40-6-144	EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING	
40-6-15	OPERATING VEHICLE WITH SUSP/CANC/REV REGISTRATION	
40-6-16	IMPROPER PASSING OF EMERGENCY/TOWING/HWY VEHICLE	X
40-6-160	SCHOOL BUS SPEEDING	
40-6-161	OPERATING SCHOOL BUS WITHOUT USING HEADLIGHTS	



40-6-162	FAILURE TO USE VISUAL SIGNALS, BY SCHOOL BUS	
40-6-163	PASSING SCHOOL BUS -LOADING/UNLOADING	
40-6-164	FAILURE OF SCHOOL BUS TO YIELD RIGHT OF WAY	
40-6-165	FAILURE OF SCHOOL BUS TO YIELD RIGHT OF WAY	
40-6-17	TRAFFIC CONTROL DEVICE PREEMPTION EMITTER VIOLAT.	
40-6-180	TOO FAST FOR CONDITIONS/PRIMA FACIE SPEED	X
40-6-181	SPEEDING	
40-6-184	SPEED LESS THAN MINIMUM	
40-6-186	RACING	
40-6-188	CONSTRUCTION SITE SPEED VIOLATION	
40-6-2	FAILURE TO OBEY POLICE/PEACE OFFICER	
40-6-20	FAILURE TO OBEY SIGNS OR CONTROL DEVICES	
40-6-201	PARKING VIOLATION	X
40-6-203	ILLEGAL STOP/STAND/PARK WHERE PROHIBITED	X
40-6-205	OBSTRUCTING INTERSECTION	
40-6-21	FAILURE TO OBEY TRAFFIC SIGNAL OR LIGHT	
40-6-226	VIOLATION OF HANDICAP PARKING	X
40-6-23	FAILURE TO OBEY TRAFFIC SIGN	
40-6-24	LANE DIRECTION VIOLATION	
40-6-240	IMPROPER BACKING	
40-6-241	FAILURE TO EXERCISE DUE CARE	
40-6-242	DRIVER'S VIEW OBSTRUCTED	
40-6-243	OPENING DOOR INTO TRAFFIC	
40-6-244	UNSAFE OPERATION OF VEHICLE	
40-6-245	IMPROPER DRIVING - CANYON/MOUNTAIN/HIGHWAY	
40-6-246	COASTING PROHIBITED	
40-6-247	FOLLOWING EMERGENCY VEHICLE	
40-6-248	IMPROPER LANE/LOC ON FIRE HOSE	
40-6-249	LITTERING FROM A MOTOR VEHICLE	X
40-6-250	USE OF EQUIPMENT PROHIBITED BY LAW	
40-6-251	IMPROPER STARTING	
40-6-252	PARKING VIOLATION	
40-6-253	POSSESSION OF OPEN ALCOHOL CONTAINER	
40-6-253.1	TRANSPORTATION OF ETIOLOGIC AGENT	
40-6-254	FAILURE TO SECURE LOAD	
40-6-255	NOT PAYING FOR GASOLINE	
40-6-26A	TAMPERING WITH TRAFFIC SIGNS OR SIGNALS	X
40-6-26B	OPERATE VEHICLE WHERE PROHIBITED	
40-6-270	HIT AND RUN-FAILURE TO STOP AND RENDER AID	
40-6-271	STRIKING UNATTENDED VEHICLE	
40-6-272	FAIL TO RPT STRIKING FIXED OBJECT	
40-6-273	FAILURE TO REPORT ACCIDENT	



40-6-275	FAILURE TO REMOVE ACCIDENT VEHICLE	X
40-6-311	UNSAFE OPERATION OF MOTORCYCLE	
40-6-312	UNSAFE OPERATION OF MOTORCYCLE	
40-6-312A	UNSAFE OPERATION OF MOTORCYCLE	
40-6-312B	UNSAFE OPERATION OF MOTORCYCLE	
40-6-312C	UNSAFE OPERATION OF MOTORCYCLE	
40-6-312D	UNSAFE OPERATION OF MOTORCYCLE	
40-6-312E	UNSAFE OPERATION OF MOTORCYCLE	
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40-6-314A	UNSAFE OPERATION OF MOTORCYCLE	
40-6-314B	UNSAFE OPERATION OF MOTORCYCLE	
40-6-315A	MOTORCYCLE EQUIPMENT NOT USED PROPERLY	
40-6-315B	MOTORCYCLE EQUIPMENT NOT USED PROPERLY	
40-6-331	MOTORIZED CART VIOLATION	
40-6-352	SAFETY EQUIPMENT NOT USED PROPERLY	
40-6-390	RECKLESS DRIVING	
40-6-390A	RECKLESS DRIVING	
40-6-391	DRIVING UNDER INFLUENCE DRUGS/ALCOHOL	
40-6-391A	DRIVING UNDER INFLUENCE DRUGS/ALCOHOL	
40-6-391A1	DRIVING UNDER THE INFLUENCE/ALCOHOL	
40-6-391A2	DRIVING UNDER THE INFLUENCE/DRUGS	
40-6-391A3	DRIVING UNDER INFLUENCE - INHALANTS	
40-6-391A4	DUI - DRUGS AND ALCOHOL COMBINED	
40-6-391A5	DRIVING UNDER THE INFLUENCE - ALCOHOL	
40-6-391A6	DUI - MARIJUANA	
40-6-391I	COMMERCIAL DRIVING IMPAIRED	X
40-6-391K1	DUI UNDER 21	
40-6-391L	CHILD ENDANGERMENT	
40-6-393.1A	VEHICULAR FETICIDE - 1ST DEGREE	
40-6-393.1B	VEHICULAR FETICIDE - 2ND DEGREE	
40-6-393A	VEHICULAR HOMICIDE - 1ST DEGREE	
40-6-393B	VEHICULAR HOMICIDE - 2ND DEGREE	
40-6-393C	VEHICULAR HOMICIDE - 1ST DEGREE	
40-6-394	VIOL CAUSING INJURY ACCIDENT	
40-6-395	FLEEING OR EVADING POLICE OR ROADBLOCK	
40-6-395A	FLEEING OR EVADING POLICE OR ROADBLOCK	
40-6-395B5A	FELONY FLEEING POLICY OR ROADBLOCK	
40-6-397	AGGRESSIVE DRIVING	
40-6-40	OBSTRUCTING TRAFFIC/FTY ROW	
40-6-40A	DRIVING WRONG SIDE OF UNDIVIDED STREET	
40-6-40B	OBSTRUCTING FLOW OF TRAFFIC	
40-6-40C	LANE VIOLATION	



40-6-40D	OBSTRUCTING/IMPEDING TRAFFIC
40-6-41	WRONG SIDE OF ROAD
40-6-42	IMPROPER PASSING
40-6-43	IMPROPER PASSING ON RIGHT
40-6-43A	IMPROPER PASSING ON RIGHT
40-6-43B	IMPROPER PASSING ON RIGHT
40-6-44	PASSING WITH INSUFFICIENT CLEARANCE
40-6-45A1	IMPROPER PASSING ON HILL/CURVE
40-6-45A2	IMPROPER PASSING IN NO PASSING ZONE
40-6-45A3	IMPROPER PASSING IN NO PASSING ZONE
40-6-46	IMPROPER PASSING IN NO PASSING ZONE
40-6-46A	IMPROPER PASSING IN NO PASSING ZONE
40-6-46B	IMPROPER PASSING
40-6-47	WRONG WAY ON ONE-WAY STREET
40-6-48	IMPROPER/ERRATIC LANE CHANGE
40-6-49	FOLLOWING TOO CLOSELY
40-6-49A	FOLLOWING TOO CLOSELY
40-6-49B	FOLLOWING TOO CLOSELY
40-6-49C	FOLLOWING TOO CLOSELY IN CONVOY
40-6-50	FAILURE TO KEEP IN PROPER LANE
40-6-50B	FAILURE TO KEEP IN PROPER LANE
40-6-51	FAILURE TO OBEY TRAFFIC SIGN
40-6-52	FAILURE TO KEEP IN PROPER LANE
40-6-52B	DRIVING IN LEFT LANE OF 3+ LANES
40-6-52C	DRIVING IN LEFT LANE OF 2 LANES
40-6-52D	FAILURE TO KEEP IN PROPER LANE
40-6-53	FAILURE TO KEEP IN PROPER LANE
40-6-54	IMPROPER LANE USAGE
40-6-6	EMERGENCY VEHICLE VIOLATION
40-6-70	FAILURE TO YIELD RIGHT OF WAY TO VEHICLE
40-6-71	FAILURE TO YIELD RIGHT OF WAY, TURNING
40-6-72	FAILURE TO OBEY STOP SIGN
40-6-72B	FAILURE TO OBEY STOP SIGN
40-6-72C	FAILURE TO OBEY YIELD SIGN
40-6-73	FAILURE TO YIELD RIGHT OF WAY TO VEHICLE
40-6-74	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEH
40-6-74A	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEH
40-6-74B	UNSAFE OPERATION OF EMERGENCY VEHICLE
40-6-75	FAILURE TO OBEY CONSTRUCTION MARKERS
40-6-76	FAILURE TO YIELD TO FUNERAL PROCESSION
40-6-91A	FAILURE TO YIELD RIGHT OF WAY AT CROSSWALK
40-6-91D	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN



40-6-93	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN	
40-6-94	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN	
40-6-98	FAILURE TO OBEY SAFETY ZONE	
40-8-1	DRIVING WITH NO OR WITHOUT LIGHTS	X
40-8-10	USE OF NITROUS OXIDE IN PASSENGER CAR	X
40-8-110	SCHOOL BUS MARKING VIOLATION	X
40-8-111	SCHOOL BUS EQUIPMENT VIOLATION	X
40-8-112	SCHOOL BUS SPECIFICATION VIOLATION	X
40-8-115	SCHOOL BUS MARKING VIOLATION	X
40-8-116	SCHOOL BUS MARKING VIOLATION	X
40-8-130	EMISSION VIOLATION	X
40-8-181	EXHAUST SYSTEM USED IMPROPERLY/OBSTRUCTED	X
40-8-182	EMISSION VIOLATION	X
40-8-183	EMISSION VIOLATION	X
40-8-2	ALL PARTS MUST BE SAFELY MAINTAINED	X
40-8-20	OPERATING W/OUT LIGHTS REQUIRED BY LAW	X
40-8-21	DEFECTIVE OR NO LIGHTS	X
40-8-22	DEFECTIVE OR NO HEADLIGHTS	X
40-8-22B	DEFECTIVE OR NO HEADLIGHTS	X
40-8-23	DEFECTIVE OR NO TAILLIGHTS	X
40-8-24	DEFECTIVE OR NO REFLECTORS	X
40-8-25	BRAKE LIGHT/TURN SIGNAL VIOLATION	X
40-8-26	BRAKE LIGHT/TURN SIGNAL VIOLATION	X
40-8-27	NO WARNING FOR PROJECTING LOAD	X
40-8-28	FAILURE TO DIM LIGHTS WHEN PARKED	X
40-8-28D	FAILURE TO DIM LIGHTS WHEN PARKED	X
40-8-29	AUXILLARY LIGHT VIOLATION	X
40-8-3	LOAD DRAGGING ON HIGHWAY	X
40-8-30	LIGHT VIOLATION	X
40-8-31	FAILURE TO DIM LIGHTS	X
40-8-32	AMBER LIGHT VIOLATION	X
40-8-33	AGRICULTURAL VEHICLE LIGHT VIOLATION	X
40-8-34	LIGHT VIOLATION	X
40-8-35	LOW SPEED VEHICLE LIGHT VIOLATION	X
40-8-4	REQUIRED EMBLEM NOT USED	X
40-8-50	DEFECTIVE OR INSUFFICIENT BRAKES	X
40-8-51	DEFECTIVE BRAKES	X
40-8-52	PARKING BRAKE VIOLATION	X
40-8-53	BRAKE VIOLATION	X
40-8-54	DEFECTIVE BRAKES	X
40-8-6	ALTERED SUSPENSION	X
40-8-6.1	TAMPERING WITH ODOMETER	X



40-8-7	UNSAFE VEHICLE OR EQUIPMENT	X
40-8-70	WARNING DEVICE VIOLATION	X
40-8-71	EXHAUST SYSTEM VIOLATION	X
40-8-72	REAR VIEW OBSTRUCTION	X
40-8-73	WINDOW, WINDSHIELD, OR WIPER VIOLATION	X
40-8-73.1	WINDOW TINT VIOLATION	X
40-8-74	DEFECTIVE TIRES	X
40-8-75	MUD FLAP VIOLATION	X
40-8-76	CHILD OR YOUTH RESTRAINT NOT USED PROPERLY	
40-8-76.1	SEAT BELT VIOLATION	
40-8-79	UNSECURED PASSENGERS IN OPEN AREA/VEHICLE	X
40-8-8	DEFECTIVE OR MISSING SPEEDOMETER	X
40-8-9	NAME REQUIREMENTS NOT PROPERLY DISPLAYED	X
40-8-90	USE OF LIGHTS/SIREN PROHIBITED	X
40-8-92	USE OF LIGHTS/SIREN PROHIBITED	X
40-8-96	EMERGENCY VEHICLE VIOLATION	X
40-8-5	TAMPERING WITH ODOMETER	X
42-8-117	INTERLOCK PROBATION VIOLATION	
46-11-4	HAZARDOUS MATERIALS VIOLATION	X
46-7-15	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-16	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-27	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-3	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-38	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-39	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-53	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-60	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-61	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-68	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-69	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
46-7-78	FAILURE TO OBEY MOTOR CARRIER RULES/REGS	X
48-2-31	EXPIRED OR NO REGISTRATION OR TITLE	X
48-8-9	EXPIRED OR NO REGISTRATION OR TITLE	X
48-9-38	EXPIRED OR NO REGISTRATION OR TITLE	X
48-9-39	EXPIRED OR NO REGISTRATION OR TITLE	X



## **Teenage & Adult Driver Responsibility Act**

The Teenage & Adult Driver Responsibility Act—commonly referred to as TADRA—is a graduated driver's license program for young Georgia drivers 15 to 18 years of age. It was established in Georgia by a joint effort of highway safety advocates, legislators, law enforcement officials, educators, businesses and media in the wake of a high number of fatal vehicle crashes involving young, inexperienced drivers.

TADRA directly addresses traffic crashes, the leading killer of our young people. The law significantly changes the way young motorists earn and maintain the privilege of driving by providing a controlled means for new drivers to gain experience, and by reducing high-risk driving situations. While the law does focus on young drivers, it also contains important provisions that affect drivers over 21 years of age, particularly, in the area of DUI prevention and enforcement.

TADRA involves an intense, three-step educational process that allows the young driver to gain more experience behind the wheel:

### **STEP ONE – CLASS CP LICENSE**

A class CP license is granted to applicants at least 15 years of age upon successfully passing a written examination. At all times while operating a Class C non-commercial vehicle, the driver with this permit must be accompanied by a passenger who is at least 21 years of age, possesses a valid Class C driver's license, occupies the seat beside the driver, and is capable of exercising control of the vehicle.

### **STEP TWO – CLASS D LICENSE**

A Class D license is granted to drivers between the ages of 16 and 18 who have held a class CP license for at least 12 consecutive months + 1 day, with no major traffic convictions, and have passed an on-the-road driving test.

On or after January 1, 2002, anyone who obtains an initial Class D license must have completed:

a) An approved driver education program and, in addition, a cumulative total of at least 20 hours of supervised driving (6 hours of which are at night),

OR

b) A cumulative total of at least 40 hours of supervised driving (6 hours of which are at night).



**\*\* These requirements also apply to an applicant for an initial Class C, non-commercial driver's license who has not previously been issued a Class D license.**

**The Class D license has the following conditions:**

- No driving between the hours of 12 a.m. and 6 a.m., without exception.
- Passengers must be immediate family members for the first six months following issuance.
- After the first six months, no more than three unrelated passengers that are under 21 years of age.

The Georgia Department of Driver Services will not issue a driver's license to a person younger than 18 years of age, unless the applicant submits proof of one of the following five requirements:

1. That he/she has received a high school diploma, or
2. That he/she has received a General Educational Development (GED) diploma, a special diploma, or a certificate of high school completion, or
3. That he/she has terminated his/her secondary education and is enrolled in a postsecondary school or is pursuing a General Educational Development (GED) diploma, or
4. That he/she is enrolled in a home education program that satisfies the requirements of all state laws governing such program, or
5. That he/she is enrolled in and not under expulsion from a public or private school,

**AND**

6. Has not dropped out of school without graduating and remained out of school for ten consecutive school days;
7. Has not had more than ten school days of unexcused absences in the current academic year or previous academic year; and
8. Has not been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, has not received a change in placement for committing one of the following offenses, or has not waived his or her right to a hearing and pleaded guilty to one of the following offenses:
  - Threatening, striking, or causing bodily harm to a teacher or other school personnel;
  - Possession or sale of drugs or alcohol on school property or at a school-sponsored event;
  - Possession or use of a weapon on school property or at a school-sponsored event. The term 'weapon' shall be defined in accordance with O.C.G.A. § 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project;
  - Any sexual offense prohibited under Chapter 6 of Title 16; or
  - Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.





## **STEP THREE – CLASS C LICENSE**

A Class C, REGULAR license is granted to drivers 18 years of age and older who have held a valid Class D license for at least 12 consecutive months + 1 day immediately preceding the application for a Class C license and have incurred no major traffic convictions.

### **Major traffic convictions:**

- Driving Under the Influence [O.C.G.A. § 40-6-391]
- Fleeing or Attempting to Eluding a Police Officer [O.C.G.A. § 40-6-395]
- Racing on Highways/Streets [O.C.G.A. § 40-6-186]
- Reckless Driving [O.C.G.A. § 40-6-390]
- Hit and Run/Leaving the Scene of an Accident [O.C.G.A. § 40-6-270]
- Any violation that assesses four or more points on the driver's license; including:
- Speeding, 24 miles per hour or greater above the posted speed limit [O.C.G.A. § 40-6-181]
- Passing on a hill or curve [O.C.G.A. § 40-6-45(a)(1)]
- Unlawful passing of a school bus [O.C.G.A. § 40-6-163]
- Aggressive Driving [O.C.G.A. § 40-6-397]
- The accumulation of 4 or more points during a consecutive, 12-month period [O.C.G.A. § 40-5-57.1(a)].



## License Classes

### Classifications

**Class A (Commercial or Non-commercial)** - Any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. Includes vehicles in Classes B and C.

**Class B (Commercial and Non-commercial)** - Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing another vehicle not in excess of 10,000 pounds. Includes vehicles in Class C, but not Class A.

**Class C (Commercial and Non-commercial)** - Any single vehicle with a GVWR not in excess of 26,000 pounds, or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds, any such vehicle towing a vehicle with a GVWR in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance. Class C commercial licenses are issued only if the vehicle is designed to carry sixteen or more passengers (including the driver), or utilized to transport hazardous materials in quantities that require a placard.

**Class D Provisional license for Class C vehicles** (Drivers under 18 years of age)

**Class M Motorcycles.**

**Class P Instructional permit.** May be Class AP, BP, CP, or MP.

### License Endorsements - Commercial Only

P	Passenger Vehicles (sixteen or more, including driver)
T	Double-/Triple-Trailers
N	Tank Vehicles
H	Hazardous Material Haulers
S	School Bus
X	Combination of N and H



## **Notice to Courts on Reporting Convictions**

### **O.C.G.A. §40-5-53(b)**

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to the department, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department. The department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary, the clerk shall pay such fees over to the general fund of the city or county operating the court. Where a court has not implemented transmittal by electronic means, the commissioner may require such court or courts to submit by electronic means no later than a future date to be determined by the commissioner."

If a conviction for a "non-traffic" offense will generate a suspension of a person's driver's license or privilege to drive pursuant to Georgia law, it must be reported to Driver Services. See *Salomon v. Earp*, 190 Ga. App. 405 (1989).

### **Controlled Substance Convictions**

Drug convictions obtained under O.C.G.A. §16-13-2(b); O.C.G.A. §16-13-30(a), (b), or (j); O.C.G.A. §16-13-33; or O.C.G.A. §40-6-391(a) paragraphs (2), (3), (4), or (6); must be reported to Driver Services electronically via the GECPS process within 10 days after conviction, in accordance with the GECPS Georgia Violation Rules.

The following documents must be mailed:

- The defendant's driver's license or, if applicable, a Lost License Affidavit (DS 250A form); and
- Official Notice of Revocation/Suspension by Court (DS 1190 form).

Do not mail the Uniform Traffic Citation once the disposition has been reported electronically via the GECPS process.



## Appeals

### **O.C.G.A. §40-13-33**

(a) Any challenge to a misdemeanor conviction of any of the traffic laws of this state or the traffic laws of any county or municipal government which may be brought pursuant to Chapter 14 of Title 9 must be filed within 180 days of the date the conviction becomes final.

d) Failure to file the challenge within the time prescribed in this Code section shall divest the court of jurisdiction.

A notice of appeal will not in any way limit the administrative actions of Driver Services. If the defendant appeals a conviction, the conviction must be reported to Driver Services within 10 days of the disposition. See *Wells v. State*, 212 Ga. App. 15, 440 S.E.2d 692 (1994). If the conviction is overturned on appeal, our department will amend the defendant's driving record.

## First Offender Treatment

### **Traffic Cases**

First Offender treatment in traffic cases will not prohibit the Department of Driver Services from executing those administrative sanctions prescribed by law. See *Salomon v. Earp*, 190 Ga. App. 405, 379 S.E.2d 217; 1989 and O.C.G.A. §40-6-391(f).

If a traffic offense is reported to Driver Services which mandates the suspension of the driver's license, and the defendant has been granted "First Offender" status, the driver's license still will be suspended or revoked depending upon the violation.

### **Drug Cases**

A court granting this plea to a defendant is not required to report this conviction to the Department of Driver Services unless the court desires the suspension of the defendant's license to be a part of the probation, or the conviction was obtained under O.C.G.A. § 40-6-391(a)(2), (a)(3), (a)(4), or (a)(6).



## **Notice to Courts on Service of Suspension and Surrender of Driver's License**

If the defendant is unable to surrender his or her driver's license to the court on the date of disposition, the court should complete a Lost License Affidavit (DS 250A form) and submit the affidavit in lieu of the defendant's driver's license.

Service of Suspension shall be provided by the court to those defendants whose conviction(s) will generate a mandatory suspension or revocation. See O.C.G.A. §40-5-54(b)

When the defendant is served on a DS 1190 for everything other than Habitual Violator (For Habitual Violator use DS 1189 or 1030 forms), the driver's license or Lost License Affidavit (DS 250A) should be attached along with the notice of service. Only the notice of service and license should be mailed if the court is reporting the conviction electronically via the GECPS process.

Your assistance in providing this service will guarantee that each person whose license has been suspended or revoked will be immediately aware of his or her inability to operate a vehicle thereafter. This service form noting the surrender date of the license allows Driver Services to assign a surrender date for the suspended driver. And, it's the law! See O.C.G.A. §40-5-54(b).

Please serve them!



## **Suspension/Revocation vs. “Period of Suspension/Revocation”**

If a defendant is convicted of an offense for which Georgia law mandates the suspension or revocation of their driver's license or privilege to drive, the actual suspension of the license and/or privilege to drive becomes effective at the time of the conviction/disposition. However, for purposes of reinstatement, the following conditions apply:

### **For all dispositions prior to July 1, 2004**

For the purpose of making any determination under O.C.G.A. §40-5-61 relating to the return of revoked or suspended licenses to drivers, no period of revocation or suspension shall begin until the license is surrendered to the department or a court of competent jurisdiction under any provision of this chapter, whichever date shall first occur. If the license is lost, or for any other reason surrender to the department is impossible, the period of revocation or suspension may begin on the date set forth in a sworn affidavit setting forth the date and reason for such impossibility, if the department shall have sufficient evidence to believe that the date set forth in such affidavit is true. In the absence of such evidence, the date of receipt of such affidavit by the department shall be controlling.

### **For all dispositions on or after July 1, 2004 - O.C.G.A. §40-5-61(e)**

The “period of suspension or revocation”, shall begin on the date the defendant surrenders his/her most recently issued license to a court of competent jurisdiction, to Driver Services, or on the date that Driver Services processes the conviction.

If the license is lost, or cannot be surrendered to Driver Services for any other reason, the period of suspension or revocation may begin on the date set forth in a sworn affidavit setting forth the date and reasons for such impossibility, if the department shall have sufficient evidence to believe that the date set forth in such affidavit is true. In the absence of such evidence, the date of receipt of such affidavit by the department shall be controlling.



Therefore, whichever of the following three events first occurs will determine what the “**period of suspension/revocation**” shall be:

**CONVICTION DATE** if the most recently issued license was surrendered to the court at the time of conviction.

In this event, the defendant surrendered their most recently issued license or submitted a lost license affidavit to the court on the date of disposition. Therefore, the defendant’s “suspension/revocation time” to apply for reinstatement begins on the date of disposition.

**SURRENDER DATE** of the license after conviction and prior to processing by Driver Services.

In this event, the defendant did not surrender their most recently issued license, did not submit a lost license affidavit to the court on the date of the disposition, but did surrender their most recently issued license or submitted to Driver Services a lost license affidavit AFTER the date of conviction but PRIOR to the date on which DDS processed the citation or conviction and placed it on the record.

Therefore, the defendant’s “suspension/revocation time” to apply for reinstatement began on the date the person surrendered their most recently issued license or lost license affidavit to DDS.

**PROCESS DATE** by Driver Services of the citation or conviction.

In this event, the defendant did not surrender their most recently issued license and did not submit a lost license affidavit to the court on the date of the disposition. Driver Services has processed the citation or conviction and placed it on the record. The defendant has not surrendered their most recently issued license and has not submitted a lost license affidavit to DDS.

Therefore, the defendant’s “suspension/revocation time” to apply for reinstatement began on the date Driver Services processed the citation or conviction.



## Procedures for Changing or Modifying Sentences or Judgments

### O.C.G.A. §40-13-32 and O.C.G.A. §40-13-33 will be strictly enforced

Any change the court desires can be made within 90 days after disposition. The court must submit its request in writing on official court letterhead. Please include in the letter the defendant's name, date of birth, driver's license number (if available), court case number, citation number (if available), the original charge(s), and the amended charge(s). Court forms or orders will not be accepted in lieu of the request on official court letterhead.

If a change is requested after 90 days and before 180 days from the date of the disposition, the procedures outlined in O.C.G.A. §40-13-32 must be followed and proof thereof must be submitted to Driver Services before any change to the record will be considered:

- A motion to change or modify the sentence or judgment must be made by the defendant to the court rendering the judgment within 180 days from the date of disposition.
- Notice, including a copy of the motion and rule nisi, must be given to the prosecuting official who brought the original charge(s) at least ten (10) days prior to the motion hearing.
- A hearing must be held with opportunity for the State to be heard.

If the challenge is filed 180 days or later after the conviction date, the court is divest of jurisdiction pursuant to O.C.G.A. §40-13-33, and the record WILL NOT be changed.

However, if the records of Driver Services do not reflect the correct judgment rendered at the time of the original disposition due to a clerical error, no time limits apply and any changes necessary to reflect the true and accurate judgment at the time of disposition can be made.





## “Zero-Point” Violations

O.C.G.A. §40-5-57.1(1)l

The court may order a defendant to attend a driver improvement clinic approved by Driver Services for any points bearing violation. The court may also accept a defendant's original certificate of completion from an approved driver improvement clinic after the issuance of a citation. If the court orders or accepts a certificate of completion, the fine shall be reduced by 20%. The disposition and court order shall be reported to Driver Services, but **PLEASE INDICATE ON THE ORDER OR ON THE CITATION THAT YOU ARE MAKING A “ZERO POINT” REQUEST FOR THE VIOLATION.** The disposition will post on the driver's record; however, no points will be assessed for the violation. This procedure may be used once every 5 years measured from date of arrest to date of arrest, in accordance with O.C.G.A. §40-5-57 1(1)l.

- O.C.G.A. §40-5-57.1(1)l is a transaction between the court and Driver Services.

## “Points Reductions”

O.C.G.A. §40-5-86

Upon the accumulation of points pursuant to O.C.G.A. §40-5-57, the total number of points accumulated by any driver shall be reduced by seven points, but to not less than zero points, upon the satisfactory completion by such driver of an approved defensive driving course and the submission of such certificate by such driver to the department. The provisions of this Code section shall be available one time only to each driver in any five-year period.

- O.C.G.A. §40-5-86 is a transaction between an individual and this department.

The provisions of O.C.G.A. §40-5-86 are in addition to the “zero-point” violation allowed under O.C.G.A. §40-5-57l(1)l. **Once an individual's driver's license has been suspended based on the assessment of points, the suspension will not be stayed or amended if the person applies for a “point reduction” under O.C.G.A. §40-5-86.**



## Court-Ordered Suspensions

If the court wishes to suspend the driver's license as a condition of probation, the driver's license (or Lost License Affidavit) should be attached to the citation. Please note that a court suspension of a driver's license other than that which is mandated by statute must contain the following phrase:

- "As a condition of probation, the driver's license is suspended for a period of \_\_\_\_\_. (Fill in the blank with the length of time you wish to suspend the license)."

This suspension will become effective on the date of disposition, in addition to any other suspension(s) generated by Driver Services.

If the court wishes to suspend the driver's license beyond the suspension time mandated by statute, the suspension must be projected beyond the period of suspension that is mandated by law. Because the suspension is part of probation, it must not be ordered for any period longer than that which the defendant will be on probation. See *Brock v. State*, 165 Ga. App. 150, 299 S.E.2d 71 (1983).

Please be advised that the department cannot suspend a license unless a conviction is attached. See *Brock v. State*, 165 Ga. App. 150, 299 S.E.2d 71 (1983) and O.C.G.A. §40-5-59(b).

## Violating License Restriction(s)

O.C.G.A. §40-5-30

### Effective 07/01/06 in accordance with House Bill 1253

#### Effect of *nolo contendere*

For dispositions on and after 07/01/06, shall not be treated as a conviction for purposes of the administrative actions of the Department.

#### Suspension

Effective upon conviction.

#### Temporary/Limited Driving Permit

No



## **Reinstatement**

If no other active suspensions are on the driving record, suspension will age off of the record:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 6 months;  
**or,**
- Process date of conviction + 6 months

## **Court Responsibilities:**

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Serve the defendant with notice of suspension using the official DS 1190 form.
- Report the disposition electronically via GECPS within 10 days after conviction.
- Mail the DS 1190 form and drivers license/Lost License Affidavit to Driver Services.

## **License Restrictions**

Restrictions - Commercial and Non-Commercial

A	No Restriction
B	Corrective Lenses
C	Mechanical Aids
D	Business Purpose Only
E	Automatic Transmission
F	Right Outside Mirror
G	Daylight Only
H	Employer Vehicle Only
I	Left Outside Mirror
J	Prosthetic Aid
K	CDL - Georgia Only
L	Vehicles w/o Air-Brakes
M	No Expressways
N	Power Brakes
O	Power Steering
P	Interlock Required
Q	No Passengers
R	Motorcycle 500cc and Under
S	To and From School
T	To and From Medical
U	All Motorcycles (except X)



- V Class B or C Bus
- W Class C Bus
- X Three-Wheel Motorcycles
- Y Farm Waiver Required
- Z Visually Impaired Parent
- 1 Bioptic Lens Required
- 2 Personal Vehicles Only

*Note: Class D license “conditions”, as referenced in O.C.G.A. §40-5-24, should not be confused with license “restrictions”, as referenced in O.C.G.A. §40-5-30. An officer citing a driver of violating a Class D license “condition” should charge under O.C.G.A. §40-5-24. A violation of O.C.G.A. § 40-5-24, in and of itself, will not result in a suspension, is not a points-bearing offense, and does not need to be reported to Driver Services*



# Mandatory Suspensions for Drivers Under 21 Years of Age

## O.C.G.A. §40-5-57.1

Several of the offenses listed below will suspend the driver's license of a person 21 years of age or older upon conviction. Those offenses will be covered in later sections. The offenses covered in this section, however, have a different effect when committed by those defendants who are under 21 years of age at the time of conviction.

**Effective July 1, 2005:** Pursuant to O.C.G.A. §40-5-57.1(d), the license of any driver under the age of 21 shall be suspended upon conviction of any of the following offenses:

- Hit and run or Leaving the scene of an accident† O.C.G.A. §40-6-270
- Racing on highways or streets† O.C.G.A. §40-6-186
- Using a motor vehicle in fleeing or attempting to elude an officer† O.C.G.A. §40-6-395
- Reckless driving O.C.G.A. §40-6-390
- Any offense for which four or more points are assessable under O.C.G.A. §40-5-57 (c);
- Improper passing on a hill or a curve O.C.G.A. §40-6-45 (a) (1)
- Unlawful passing of a school bus O.C.G.A. §40-6-163
- Exceeding the speed limit by 24 mph or more O.C.G.A. §40-6-181
- Aggressive driving O.C.G.A. §40-6-397
- Purchasing an alcoholic beverage O.C.G.A. §3-3-23 (a) (2)
- Misrepresenting age for purpose of illegally obtaining any alcoholic beverage O.C.G.A. §3-3-23 (a) (3)
- Misrepresenting identity or using false identification for purpose of
- purchasing or obtaining any alcoholic beverage O.C.G.A. §3-3-23 (a) (5)
- Driving Under the Influence† O.C.G.A. §40-6-391

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† HV Contributor. For Third Convictions within 5 years, as measured from date of arrest to date of arrest for which convictions were obtained, the defendant will be classified as a Habitual Violator.



**Effect of *nolo contendere*:**

- Shall be treated as a conviction.

**Effective January 1, 2002:** The driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points in any consecutive 12-month period shall be suspended by the department as provided by this Code section.

**First Conviction (all of the above except DUI)**

**Suspension**

- License/Privilege to drive suspended upon conviction.

**Temporary/Limited Driving Permit**

- No

**Reinstatement**

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 6 months;  
or,
- Process date of conviction + 6 months

**Defendant must also:**

- Submit an original certificate of completion of a defensive driving program approved by the Department of Driver Services;
- Submit an original certificate of completion of an approved Alcohol/Drug Use Risk Reduction Program, if ordered by the court; and,
- Remit a \$210 restoration fee (or \$200 if applied for by mail).

If submitted by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**



## **Second or Subsequent Conviction(s) (all of the above except DUI)**

### **Suspension**

- License/Privilege to drive suspended upon conviction.

### **Temporary/Limited Permit**

- No

### **Reinstatement**

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 12 months;  
or,
- Process date of conviction + 12 months

### **The defendant must also:**

- Submit an original certificate of completion of a Defensive Driving Course approved by the Department of Driver Services;
- Submit an original certificate of completion of an approved Alcohol/Drug Use Risk Reduction Program, if so ordered by the court; and,
- Remit \$210 restoration fee (or \$200 if applied for by mail).

If submitted by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

### **Court Responsibilities**

Upon conviction, or plea of *nolo contendere*, the court shall:

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Serve the defendant with notice of suspension using the official DS 1190 form.
- Report the disposition electronically within 10 days after conviction.
- Mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.



## Driving Under the Influence (under 21 Years of Age)

O.C.G.A. §40-6-391

### First Conviction (Within 5 years)

#### Circumstances:

- The Blood Alcohol Concentration (BAC) was equal to or greater than .02 grams, but less than 0.08 grams; or
- No Test was Given; or
- The Test Results were Suppressed,

#### Effect of *nolo contendere*

- Shall be treated as a conviction.

#### Suspension

- License/Privilege to drive suspended upon conviction.

#### Temporary Driving Permit

- No

#### Reinstatement

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/date Lost License Affidavit signed + 6 months;
- OR,
- Process date of conviction + 6 months





**The defendant must also:**

- Submit an original certificate of completion of a Risk Reduction Program approved by the Department of Driver Services;
- Remit a \$210 restoration fee (or \$200 if applied for by mail).

If submitted by mail, the following address should be used:

Department of Driver Services  
P.O. Box 105182  
Atlanta, GA 30348-5182

**First Conviction (Within 5 years)**

**Circumstances**

- Blood Alcohol Concentration (BAC) 0.08 grams or greater;  
or,
- Implied Consent Refusal

**Effect of *nolo contendere***

- Shall be treated as a conviction.

**Suspension**

- License/Privilege to drive suspended upon conviction.

**Temporary/Limited Driving Permit**

- No

**Reinstatement**

If there are no other active suspensions noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/date Lost License Affidavit signed + 12 months;  
or,
- Process date of conviction + 12 months.



**The defendant must also:**

- Submit an original certificate of completion of an approved Risk Reduction Program;
- Remit a \$210 restoration fee (or \$200 if applied for by mail).

If submitted by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

**Court Responsibilities**

Upon conviction, the court shall:

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Serve the defendant with the court notice of suspension using the official DS 1190 form.
- Report the disposition electronically within 10 days after disposition.
- Mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.

**Second Conviction (Within 5 years)**

**Effect of *nolo contendere***

- Shall be treated as a conviction.

**Suspension**

- License/Privilege to drive suspended upon conviction.

**Temporary/Limited Permit**

- 12 months from surrender date of most recently issued driver's license/date Lost License Affidavit signed/date DDS processes conviction, the defendant may be eligible to apply for an Ignition Interlock Device (IID) Permit, provided there are no other active suspensions noted on the driving record and he/she submits:
  - \$25 Permit fee
  - Original certificate of completion from a DDS-approved Risk Reduction provider;



- Original certificate of clinical evaluation;
- Certified verification of enrollment in, or completion of an approved substance abuse treatment program, if so required by the results of the clinical evaluation;
- Proof of Installation of an Ignition Interlock Device from a DDS-approved vendor. A list of approved vendors can be found on the department website.

### **Reinstatement**

If no other active suspensions are noted on the driving record, earliest of either:

- Surrender date of most recently issued driver's license/date Lost License Affidavit is signed + 18 months;  
or,
- Date DDS processes conviction + 18 months

### **The defendant must also:**

- Provide proof that an Ignition Interlock Device was maintained in a motor vehicle for a period of six months, without incident, in accordance with O.C.G.A. §42-18-110, et seq.;
- Provide the original certificate of completion of an approved substance abuse treatment program (as required by the clinical evaluation). If proof of completion was submitted prior to the issuance of the limited permit, no additional proof will be required for reinstatement of the license; and,
- Remit a \$210 restoration fee (or \$200 if restoration is processed by mail).

If by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

### **Court Responsibilities, Second DUI within 5 years (Under 21 years of age)**

Upon conviction, the court shall:

- Serve the defendant with court notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Submit the disposition electronically within 10 days and mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.
- Issue an order requiring that the license plates of all motor vehicles registered in such person's name be surrendered to the court.



- Notify the Commissioner of the Department of Revenue within 10 days after issuing any such order. The commissioner shall revoke each such license plate upon receiving such notice.
- Issue a receipt for any surrendered license plate or plates.
- Forward the surrendered license plate or plates to the local tag agent immediately upon receipt, in accordance with O.C.G.A. §40-2-136.
- Order, as a condition of probation, that the defendant have installed and shall maintain in each motor vehicle registered in his/her name a functioning, certified ignition interlock device throughout the applicable six-month period prescribed by O.C.G.A. §42-8-112(b). This would be the 6-month period following the 12-month hard suspension from the surrender date of the most recently issued driver's license/Lost License Affidavit/process date of the conviction.

*Note: The court may exempt the person from the requirement to have an Ignition Interlock Device in "each" motor vehicle registered in such person's name based upon the court's determination that such requirements would subject the person to undue financial hardship. However, the court exempting the person from maintaining an ignition interlock device in "each" vehicle registered in such person's name shall order such person to install and maintain in any other motor vehicle to be driven by such person during the applicable six-month period prescribed by subsection (b) of O.C.G.A. §42-8-112 (the six-month period following the 12-month hard suspension) a functioning, certified Ignition Interlock Device, and such person shall not during such six-month period drive any motor vehicle whatsoever that is not so equipped. See O.C.G.A. §42-8-111.*

*When the court issues the order for the use of an Ignition Interlock Device, please advise the defendant that he or she will be required to provide DDS with a certificate of installation from an approved vendor upon applying for a permit. In addition, the defendant must provide proof of 6-months of incident free monitoring of the Ignition Interlock Device prior to reinstatement of their driver's license. Always give a copy of the "court order" to the defendant.*



## Third Conviction (Within 5 years)

### Habitual Violator

#### Plea of *nolo contendere*

- Shall be treated as a conviction.

#### Suspension

- License/privilege to drive revoked upon conviction.

#### Temporary Driving Permit

- Earliest of either surrender date of most recently issued driver's license/Lost License Affidavit/Process date of conviction + 2 years, the defendant may apply for a Habitual Violator Probationary License. The defendant may request the issuance of this application by mailing his or her request to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

- The Habitual Violator Probationary License fee will be \$210 (or \$200 if applied for by mail).

*Note: During the first six months of the probationary license, the driver will be required to have an Ignition Interlock Device on any vehicle he or she operates, if the defendant's HV was based upon at least two convictions under O.C.G.A. § 40-6-391.*

#### Reinstatement

Any person convicted of a second or subsequent offense under O.C.G.A. §40-6-391 within a five year period, shall be required to undergo a clinical evaluation and, if indicated by such evaluation, must complete a substance abuse treatment program before the drivers license will be reinstated, provided that such evaluation and treatment shall be at such person's expense except as otherwise provided by O.C.G.A. §37-7-120. Acceptable proof of completion of such a program must be submitted to the Department of Driver Services prior to license reinstatement, issuance, or restoration. See O.C.G.A. §40-5-63.1.



## Alcohol-Related Offenses (Non-DUI)

O.C.G.A. §3-3-23(a)(2) states that, "No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage."

For all convictions under O.C.G.A. §3-3-23, the court may, as part of its ruling, order the defendant to complete a DUI Alcohol/Drug Use Risk Reduction Program prescribed by the Department of Driver Services within 120 days of such conviction or sentence. O.C.G.A. §3-3-23.1(c).

If the defendant was ordered by the court to complete a DUI Alcohol/Drug Use Risk Reduction Program within 120 days, and he/she fails to do so, a suspension will be generated upon the receipt of the "Court Order" and the suspension will remain in effect indefinitely until the person has completed the course and he/she has met all other requirements specified by Driver Services.

## Purchasing an alcoholic beverage by a person under 21 years of age

O.C.G.A. §40-5-57.1

### First Conviction

#### Plea of *nolo contendere*

- Shall be treated as a conviction.

### Suspension

- License/Privilege to drive suspended upon conviction.



### Temporary Driving Permit

- No

### Reinstatement

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 6 months; OR,
- Process date of conviction + 6 months

### The defendant must also:

- Submit an original certificate of completion of an approved defensive driving program;
- Complete an approved DUI Alcohol/Drug Use Risk Reduction program, if so ordered by the court;
- Remit a \$210 restoration fee (\$200 if applied for by mail).

If submitted by mail, the following address should be used:

Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182

### Second or Subsequent Conviction(s)

#### Plea of *nolo contendere*

- Shall be treated as a conviction.

### Suspension

- License/Privilege to drive suspended upon conviction.

### Temporary/Limited Driving Permit

- No



### **Reinstatement**

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of the most recently issued driver's license/Lost License Affidavit + 12 months;  
or,
- Process date of conviction + 12 months.

### **The defendant must also:**

- Submit an original certificate of completion from an approved defensive driving program;
- Submit an original certification of completion from an approved DUI Alcohol/Drug Use Risk Reduction program, if so ordered by the court;
- Remit a restoration fee of \$210 (\$200 if applied for by mail).

If submitted by mail, the following address should be used:

Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182

## **Attempting to purchase an alcoholic beverage by a person under 21 years of age**

O.C.G.A. §3-3-23.1 (b) (3) and O.C.G.A. §40-5-63 (f)

### **First Conviction**

#### **Plea of *nolo contendere***

- Yes.

If court accepts a plea of *nolo contendere*, nothing should be reported to Driver Services.





### **Suspension**

- License/Privilege to drive suspended upon conviction.

### **Temporary Driving Permit**

- No

### **Reinstatement**

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 6 months;  
or,
- Process date of conviction + 6 months

### **The defendant must also:**

- Remit a \$35 restoration fee (or \$25 if reinstatement is applied for by mail)
- Submit an original certificate of completion of an approved DUI Alcohol/Drug Use Risk Reduction program, if so ordered by the court.

If applying for reinstatement by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

## **Second or Subsequent Conviction(s)**

### **Suspension**

- License/Privilege to drive suspended upon conviction.

### **Temporary Driving Permit**

- No



### **Reinstatement**

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 1 year;  
or,
- Process date of conviction + 1 year.

### **The defendant must also:**

- Remit a \$35 restoration fee (or \$25 if reinstatement is applied for by mail)
- Submit an original certificate of completion of an approved DUI Alcohol/Drug Use Risk Reduction program, if so ordered by the court.

If applying for reinstatement by mail, the following address should be used:

Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182

## **Possession of an Alcoholic Beverage by a Person Under 21 Years of Age While Operating a Motor Vehicle**

### **O.C.G.A. §40-5-63 (e)**

#### **Plea of *nolo contendere***

- Yes

If court accepts a plea of *nolo contendere*, nothing should be reported to Driver Services.

*For purposes of O.C.G.A. §40-5-63(e), a sentence under O.C.G.A. §3-3-23.1(c) shall not be considered a conviction, and the driver's license of such person shall not be suspended, provided that such person completes a DUI Alcohol or Drug Use Risk Reduction Program within 120 days after sentencing. Failure of the defendant to complete the required Risk Reduction course within 120 days will generate an indefinite suspension.*

### **Suspension**

- License/Privilege to drive suspended upon conviction.



### Temporary/Limited Driving Permit

- No

### Reinstatement

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued drivers license/Lost License Affidavit + 120 days;  
or,
- Process date of conviction + 120 days.

### The defendant must also:

- Submit an original certificate of completion of an approved DUI Alcohol/Drug Risk Reduction Program;
- Remit a restoration fee of \$35 (or \$25 if reinstatement is applied for by mail).

If applying for reinstatement by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

### Court Responsibilities

Upon conviction, the court shall:

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Serve the defendant with the court notice of suspension using the official DS 1190 form. The DS 1190 should state if the individual was convicted of purchasing, attempting to purchase, or underage possession of alcohol while operating a motor vehicle.
- Report the disposition electronically within 10 days after disposition.
- Mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.



## Possession of an Alcoholic Beverage by a Person Under 21 Years of Age

O.C.G.A. §3-3-23.1 (f)

### Plea of *nolo contendere*

- Yes, If court accepts a plea of *nolo contendere*, nothing should be reported to Driver Services.

### Conviction(s)

A conviction for simple Underage Possession of Alcohol will not, in and of itself, generate a suspension and should not be reported to Driver Services.

However, the court does have the authority, as a matter of probation, to:

- Issue a court-ordered suspension.
- In accordance with O.C.G.A. §O.C.G.A. 3-3-23.1(g), order the defendant to complete an approved DUI Alcohol or Drug Use Risk Reduction Program within 120 days of conviction.
- Failure of the defendant to complete the required Risk Reduction course within 120 days will result in an indefinite suspension, effective until the defendant completes the required Risk Reduction program. Only the court order should be submitted to Driver Services in these instances.



## Non-Commercial Drivers' Licenses (Age 21 years or older)

### Habitual Violator Declaration

Convictions and/or *nolo contendere* pleas arising from a single incident or separate incidents to any three of the following violations within a 5-year period, as measured from date of arrest to date of arrest for which convictions were obtained, will cause the violator to be declared a Habitual Violator in accordance with O.C.G.A. §40-5-58.

- Homicide by Vehicle (1st Degree) O.C.G.A. §40-6-393 (a) or (c)
- Homicide by Vehicle (2nd Degree) O.C.G.A. §40-6-393 (b)
- Any felony in the commission of which a motor vehicle is used
- Hit & Run – Leaving the scene of an accident O.C.G.A. §40-6-270
- Racing on Highways or Streets O.C.G.A. §40-6-186
- Using a Motor Vehicle in Fleeing or Attempting to Elude an Officer
- O.C.G.A. §40-6-395
- Unlawful or Fraudulent Use of a License or ID Card O.C.G.A. §40-5-120, O.C.G.A. §40-5-125
- Operating a Motor Vehicle with a Revoked, Canceled, or Suspended Registration O.C.G.A. §40-6-15
- Driving Under the Influence, Child Endangerment while DUI O.C.G.A. §40-6-391  
O.C.G.A. §40-6-391(f)
- Feticide by Vehicle (1st Degree) O.C.G.A. §40-6-393.1 (a) (1)
- Feticide by Vehicle (2nd Degree) O.C.G.A. §40-6-393.1 (b) (1)
- Serious Injury by Vehicle O.C.G.A. §40-6-394

Under O.C.G.A. §40-5-1, "Conviction" means a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic violation charge, regardless of whether the sentence is suspended, probated, or rebated.

All judges of all courts having jurisdiction of the offenses listed above should, at the time of sentencing for a first or second conviction, give notice to the defendant of the suspension of the defendant's driver's license using the DS 1190 form.

The court should forward the notice of suspension and the defendant's driver's license to the department within 10 days of the date of conviction.

Two previous convictions of those offenses listed above and a conviction of the current charge of one of these violations before the court will declare the defendant a Habitual Violator (O.C.G.A. §40-



5-58). The court should perform declaration and service at the time of conviction using DS 1189 (HV Declaration and Service Form).

*Note: A Habitual Violator revocation will not age off of the driving record, but will remain in effect until the licensee has paid a restoration fee of \$210 (or \$200 if applied for by mail). A licensee who was declared a Habitual Violator because of three (3) or more convictions within a 5-year period under O.C.G.A. §40-6-391 must attend an approved DUI Alcohol/Drug Use Risk Reduction course.*

A charge of “Felony with Vehicle” or “Habitual Impaired Driver” would not be an appropriate charge if the five-year revocation generated by this classification has expired. O.C.G.A. §40-5-58.

Each accountable conviction will be based on a five-year period, or within ten years for using a motor vehicle in fleeing or attempting to elude an officer, as measured from the date of previous arrest for which convictions were obtained to the date of the most recent arrest for which a conviction was obtained. Each conviction will be counted as a separate conviction for purposes of an HV declaration, even if they arose from the same occurrence or incident.

## **Probationary Licenses for Habitual Violators**

O.C.G.A. §40-5-58

A person who has been declared a habitual violator and who has had his or her driver's license revoked for a period of five years, and two years have expired since the date on which such person's license was surrendered or an affidavit was accepted as provided in subsection (e) of O.C.G.A. §40-5-61, such person may be issued a probationary driver's license for a period of time not to exceed three years upon compliance with the following conditions:

- (A) Such person has not been convicted, or pleaded *nolo contendere* to a charge, of violating any provision of this chapter or any local ordinance relating to the movement of vehicles for a period of two years immediately preceding the application for a probationary driver's license;
- (B) Such person has not been convicted, or pleaded *nolo contendere* to a charge, of a violation of any provision of this chapter which resulted in the death or injury of any individual;
- (C) Such person has successfully completed, prior to the issuance of the probationary driver's license, a defensive driving course or a DUI Alcohol/Drug Use Risk Reduction Program approved and certified by the Department of Driver Services;



- (D) Such person has not been convicted, or pleaded *nolo contendere* to a charge, of violating any provision of Title 3, relating to alcoholic beverages, or of violating any provision of Chapter 13 of Title 16, relating to controlled substances;
- (E) Such person shall submit a sworn affidavit that such person does not excessively use alcoholic beverages and does not illegally use controlled substances or marijuana. It shall be a misdemeanor to falsely swear on such affidavit and, upon conviction; the probationary license shall be revoked. No probationary license shall be issued during the remainder of the revocation period, and no driver's license shall be issued for the remainder of the original revocation period or for a period of two years from the date of conviction under this subparagraph;
- (F) Such person submits proof of financial responsibility as provided in Chapter 9 of this title (SR22); and
- (G) Such person shall maintain an Ignition Interlock Device on any vehicle such person operates for a minimum of six months immediately following the issuance of an HV probationary license, if the HV declaration is based upon two or more convictions under O.C.G.A. §40-6-391.
- (H) Refusal to issue a probationary driver's license would cause extreme hardship to the applicant. For the purposes of this subsection, the term "extreme hardship" means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:
  - Going to his place of employment or performing the normal duties of his occupation;
  - Receiving scheduled medical care or obtaining prescription drugs;
  - Attending a college or school at which he is regularly enrolled as a student;
  - Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; or
  - Attending under court order any driver education or improvement school or alcohol or drug treatment program or course approved by the court which entered the judgment of conviction resulting in revocation of his driver's license or by the commissioner.

Application for a probationary driver's license shall be made upon such forms as the commissioner may prescribe. Such forms shall require such information as is necessary for the department to determine the need for such license. The applicant shall sign all applications before a person authorized to administer oaths. Upon compliance with the above conditions and the payment of a fee of \$210 (or \$200 when processed by mail) such person may be issued a probationary driver's



license by the department. A probationary driver's license shall be endorsed with such conditions as the commissioner deems necessary to ensure that such license will be used by the licensee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

- Specific places between which the licensee may be allowed to operate a motor vehicle;
- Routes to be followed by the licensee;
- Times of travel;
- The specific vehicles which the licensee may operate; and
- Such other restrictions as the department may require.

A probationary driver's license issued pursuant to this Code section shall become invalid upon the expiration of the period of the suspension or revocation of the driver's license of such person.

Note: If the Habitual Violator revocation is based upon two or more convictions under O.C.G.A. §40-6-391, the HV Probationary License will be restricted to include the use of an Ignition Interlock Device for the first six months following issuance for any vehicle the driver operates. The defendant must complete a clinical evaluation and, if indicated, must complete a substance abuse treatment program approved by the Department of Driver Services.

The defendant may request the issuance of this application by mailing his or her request to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

The Probationary License fee to be paid to the License Examiner at the time of issuance will be \$210 (\$200 if application is processed by mail). The requirements, which must be "completed prior" to permit issuance, will be sent to the licensee via US mail.





## **Offenses Common to this Code Section**

### **Felonies**

**Felony Habitual Violator:** Driving while declared & served as a habitual violator during the 5-year revocation. O.C.G.A. §40-5-58.

**Habitual Impaired Driver:** Driving while declared and served as a habitual violator (classification based on three or more DUI convictions) and charged with any traffic offense. O.C.G.A. §40-5-58(c)(2).

**Probationary License Violation:** A conviction of any violation under O.C.G.A §40-5-54 or O.C.G.A §40-6-391.

### **Misdemeanors**

**Probationary License Violation:** A conviction of any violation other than those listed in O.C.G.A §40-5-54 or O.C.G.A §40-6-391.

**Misdemeanor Habitual Violator:** A conviction of this offense after the expiration of the 5-year revocation. O.C.G.A §40-5-58 (c).

## **Limited Permits**

O.C.G.A. §40-5-64

Notwithstanding any contrary provision of O.C.G.A. §§40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of O.C.G.A. §40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of *nolo contendere* were accepted to the date of the current arrest for which a conviction is obtained or a plea of *nolo contendere* is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in



accordance with O.C.G.A. §40-5-22(a.1)(2), O.C.G.A. §40-5-57(d), O.C.G.A. §40-5-63(a)(1), or O.C.G.A. §40-5-67.2(a)(1).

Applications for limited driving permits shall be made upon such forms as the commissioner may prescribe. Such forms shall require such information as is necessary for the department to determine the need for such permit. All applications shall be signed by the applicant before a person authorized to administer oaths.

### **Standards for approval**

The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. 'Extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

- Going to his or her place of employment or performing the normal duties of his or her occupation;
- Receiving scheduled medical care or obtaining prescription drugs;
- Attending a college or school at which he or she is regularly enrolled as a student;
- Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; or
- Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner.

### **Duration of permit**

A permit issued pursuant to O.C.G.A. §40-5-64 shall be \$25 and shall be nonrenewable and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under O.C.G.A. §40-5-22(a.1)(2), upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in O.C.G.A. §40-5-54 or a suspension under O.C.G.A. §40-5-57, or a suspension in accordance with O.C.G.A. §40-5-63(a)(1) for a violation of O.C.G.A. §40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with O.C.G.A. §40-5-67.2(a)(1), or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent



with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit.

#### **Revocation of permit**

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by the department. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to the department within ten days after the conviction, with a copy of the conviction.

Upon receipt of notice from the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources that a permittee who is required to complete a substance abuse treatment program pursuant to Code Section 40-5-63.1 enrolled in but failed to attend or complete such program as scheduled, the department shall revoke such person's limited driving permit and, by regular mail to his or her last known address, notify such person of such revocation. Such notice of revocation shall inform the person of the grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.

**Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to the department.**

**In any case of revocation of a limited driving permit, the department may impose an additional period of suspension for the conviction upon which revocation of the permit was based.**



## Mandatory Suspensions

O.C.G.A. §40-5-63

### Homicide by Vehicle (1st Degree)

O.C.G.A. §40-6-393 (a) or (c)

AND

### Serious Injury by Vehicle

O.C.G.A. §40-6-394

#### Plea of *nolo contendere*:

- A plea of *nolo contendere* shall be treated as a conviction, in accordance with O.C.G.A. §40-5-63(d).

#### Suspension

- Upon a plea or judgment of guilt, or plea of *nolo contendere*, the defendant's driver's license/privilege to drive will be suspended for a minimum period of 3 years from the date of conviction.

The defendant's driver's license or lost license affidavit, if applicable, and service of suspension should be attached to the citation as part of the disposition of the court.

#### Temporary/Limited Driving Permit

- No



## Any felony in the commission of which a motor vehicle is used

### Plea of *nolo contendere*

- Yes - The defendant must be 18 years of age or older at the time of disposition, in accordance with O.C.G.A. §40-5-63(a)(1). The judge, upon the acceptance of this plea, should submit the disposition to Driver Services and return the driver's license to the defendant.

### Temporary/Limited Permit

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.

## Fraudulent or Fictitious Use of or Application for a License or ID Card

### O.C.G.A. §40-5-120 or §40-5-125

### Plea of *nolo contendere*:

- Yes - The defendant must be 18 years of age or older at the time of disposition, in accordance with O.C.G.A. §40-5-63(a)(1). The judge, upon the acceptance of this plea should submit the disposition to Driver Services within 10 days of plea and return the driver's license to the defendant.

### Temporary/Limited Permit

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.



## Operating a Motor Vehicle with a Revoked, Cancelled, or Suspended Registration

O.C.G.A. §40-6-15

### Plea of *nolo contendere*:

- No - Shall be treated as a conviction.

### Temporary/Limited Permit

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.

## Racing on Highways or Streets

O.C.G.A. §40-6-186

### Plea of *nolo contendere*:

- Yes - The defendant must be 18 years of age or older at the time of disposition, in accordance with O.C.G.A. §40-5-63(a)(1). The judge, upon the acceptance of this plea should submit the disposition to Driver Services and return the driver's license to the defendant.

### Temporary/Limited Permit

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.



## Hit & Run/Leaving the Scene of an Accident

O.C.G.A. §40-6-270

### Plea of *nolo contendere*:

- No - Shall be treated as a conviction. Effective 05/2005.

### Temporary/Limited Permit

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.

## Homicide by Vehicle (2nd Degree)

O.C.G.A. §40-6-393 (b)

### Plea of *nolo contendere*:

- Yes - The defendant must be 18 years of age or older at the time of the violation, in accordance with O.C.G.A. §40-5-63(a)(1). The judge, upon the acceptance of this plea should submit the disposition to Driver Services and return the driver's license to the defendant.

### Temporary/Limited Permit

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.

## Using a Motor Vehicle in Fleeing or Attempting to Elude an Officer

O.C.G.A. §40-6-395

### Plea of *nolo contendere*:

- No - Shall be treated as a conviction. Effective 05/2005.



### **Temporary/Limited Permit**

- Yes - \$25, non-renewable, and valid for up to 1 year from date of issuance.

### **First Conviction of any above-referenced Mandatory Offense (Within 5 years)**

#### **Suspension**

- License/Privilege to drive suspended upon conviction.

#### **Reinstatement**

If no other active suspensions are noted on the driving record, the defendant may apply for reinstatement the earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 120 days;  
or,
- Process date of conviction + 120 days.

#### **The defendant must also:**

- Submit an original certificate of completion of an approved defensive driving clinic;
- Remit a \$210 restoration fee (or \$200 if reinstatement is applied for by mail).

If by mail, the following address should be used:

Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182

### **Second Conviction (Within 5 years)**

#### **Plea of *nolo contendere*:**

- No - Shall be treated as a conviction. [O.C.G.A. §40-5-63]





### **Suspension**

- License/Privilege to drive suspended upon conviction.

### **Temporary/Limited Driving Permit**

- No

### **Reinstatement**

If no other active suspensions are noted on the driving record, earliest of either:

- Surrender of most recently issued driver's license/Lost License Affidavit + 120 days;  
or,
- Process date of conviction + 120 days.

### **The defendant must also:**

- Submit an original certificate of completion of an approved defensive driving clinic;
- Remit a \$210 restoration fee (or \$200 if processed by mail).

### **Court Responsibilities for First/Second Convictions of any above-referenced Mandatory Offense:**

Upon conviction, the court shall:

- Serve the defendant with the court notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Report the disposition electronically within 10 days after disposition and mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.

### **Third Conviction (Within 5 years)**

#### **Plea of *nolo contendere*:**

- No - Shall be treated as a conviction.

### **Suspension**

- License/Privilege to drive will be revoked upon conviction.



### **Temporary/Limited Driving Permit**

- Yes

If no other active suspensions are noted on the driving record, surrender date of most recently issued driver's license/Lost License Affidavit + 2 years, or process date of conviction + 2 years, the licensee may make application for a Habitual Violator Probationary License. The defendant may request this application by mailing his or her request to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

The Probationary License fee to be paid to the License Examiner at the time of issuance will be \$210 (\$200 if the application is applied for by mail).

### **Court Responsibilities for Third Convictions of any above-referenced Mandatory Offense within 5 years:**

Upon conviction, the court shall:

- The court shall seize the defendant's driver's license or complete an official Lost License Affidavit (DS 250A form),
- The court should declare and serve the defendant Habitual Violator by using the official court notice of Habitual Violator (DS 1189 form),
- The court should submit the conviction electronically to Driver Services within 10 days following disposition. The driver's license or Lost License Affidavit must be submitted by mail.



# Driving Under the Influence

O.C.G.A. §40-6-391

## Plea of *nolo contendere*:

- Yes

However, a plea of *nolo contendere* shall be treated as a conviction for purposes of the administrative actions of the Department and will not save the driver's license from a mandatory suspension. To qualify for a plea of *nolo contendere*, the defendant must be at least 21 years old at the time of arrest, in accordance with O.C.G.A. §40-6-391(k)(3), and must have an alcohol concentration of 0.15 grams or less, in accordance with O.C.G.A. §40-6-391.1(a).

## First Conviction (Within 5 years)

### Suspension

- License/Privilege to drive suspended upon conviction.

### Temporary/Limited Driving Permit

- Yes

If a Georgia licensee, and there are no other active suspensions noted on the driving record, the defendant may be eligible for a temporary driving permit valid for 1 year from the date of issuance.

The court should complete the official First DUI Conviction Court Affidavit and advise the defendant to present the form at the nearest Driver Services' Customer Service Center for issuance of a permit. The permit requires a \$25 fee and is non-renewable.

If the judge does not wish to issue a First DUI Conviction Court Affidavit, the court should furnish the defendant with a certified copy of the Uniform Traffic Citation (face and reverse side showing the disposition). This certified copy may be used by Driver Services in lieu of the affidavit to issue the defendant a permit.

*Note: Driver Services is required by law to issue a limited permit if the defendant meets the legal qualifications for the issuance of this permit. The judge does not have discretion to grant or deny this permit. If the judge does not wish for the defendant to be permitted to drive during this period,*



*then the defendant must be placed on probation with a condition of probation being the court-ordered suspension of the driving privilege. See Brock v. State, 165 Ga. App.150 (1983).*

### **Reinstatement**

If no other active suspensions are noted on the driving record, earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 120 days;  
or,
- Process date of conviction + 120 days.

### **The defendant must also:**

- Submit an original certificate of completion of an approved DUI Alcohol/Drug Use Risk Reduction Program;
- Remit a \$210 restoration fee (or \$200 if restoration is processed by mail).

If by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

### **Court Responsibilities for First Convictions/Plea of *nolo contendere* of DUI within 5 years:**

Upon conviction/plea of *nolo contendere*, the court shall:

- Serve the defendant with the court notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Submit the disposition electronically to Driver Services within 10 days following disposition and mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.



## **Second Conviction (Within 5 years)**

### **Plea of *nolo contendere*:**

- No. Shall be treated as a conviction.

### **Suspension**

- License/Privilege to drive suspended upon conviction.

Note: When the court issues the order for the use of an Ignition Interlock Device, please advise the defendant that he or she will be required to provide Driver Services with a certificate of installation from an approved vendor upon applying for a permit. In addition, the defendant must provide proof of 6-months of incident free monitoring of the Ignition Interlock Device prior to reinstatement of their driver's license. Always give a copy of the "court order" to the defendant.

### **Temporary/Limited Driving Permit**

- Yes

If Georgia licensee, surrender date + 12 months or process date of conviction + 12 months, the licensee may be eligible to apply for an Ignition Interlock Device (IID) Permit.

To be eligible for an IID Permit, the licensee must satisfy the following requirements:

- Submit an original certificate of completion of an approved Alcohol/Drug Use Risk Reduction Program;
- Submit original certification of an approved clinical evaluation;
- Submit official proof of enrollment in, or an original certificate of completion of, an approved substance abuse treatment program, if so required;
- Submit proof of Installation of an Ignition Interlock Device from an approved vendor.
- Remit a \$25 permit fee.

### **Reinstatement**

If no other active suspensions are noted on the driving record, earliest of either:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 18 months;  
or,
- Process date of conviction + 18 months.



**The defendant must also:**

- Provide proof that an ignition interlock device was maintained in a motor vehicle for a period of six months, without incident;
- Show proof of completion of a substance abuse treatment program (if required by the clinical evaluation). If proof of completion was submitted prior to the issuance of the limited permit, no additional proof will be required for reinstatement of the license;
- Remit a \$210 restoration fee (or \$200 if restoration is processed by mail).

If by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

**The Clerk of Court in which a defendant (21 years of age or older) is convicted a second or subsequent time for Driving Under the Influence shall:**

- Cause to be published a notice of conviction for each such defendant convicted. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made. The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed \$25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section. The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith. See O.C.G.A. §40-6-391 (j).



### **Court Responsibilities for Second Convictions of DUI within 5 years:**

Upon conviction, the court shall:

- Serve the defendant with notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Report the disposition electronically to Driver Services within 10 days following disposition. Attach the DS 1190 form and driver's license/Lost License Affidavit mail to Driver Services.
- Issue an order requiring that the license plates of all motor vehicles registered in such person's name be surrendered to the court;
- Notify the Commissioner of the Department of Revenue within 10 days after issuing any such order, and the Commissioner of the Department of Revenue shall revoke each such license plate upon receiving such notice.
- Issue a receipt for the surrendered license plate or plates. The court shall forward the surrendered license plate or plates to the local tag agent immediately upon receipt, in accordance with O.C.G.A. §40-2-136;
- Order as a condition of probation that defendant shall have installed and shall maintain in each motor vehicle registered in his/her name a functioning, certified ignition interlock device throughout the applicable six-month period prescribed by subsection (b) of O.C.G.A. §42-8-112: the 6-month period following the 12-month hard suspension from the date the defendant's most recently issued license was surrendered to the court, to DDS, or the conviction was processed by DDS. The court may exempt the person from the requirement to have an Ignition Interlock Device in "each" motor vehicle registered in such person's name based upon the court's determination that such requirements would subject the person to undue financial hardship. However, the court exempting the person from maintaining an ignition interlock device in "each" vehicle registered in such person's name shall order such person to install and maintain in any other motor vehicle to be driven by such person during the applicable six-month period prescribed by subsection (b) of O.C.G.A. §42-8-112 (the six-month period following the 12 month suspension) a functioning, certified Ignition Interlock Device, and such person shall not during such six-month period drive any motor vehicle whatsoever that is not so equipped. O.C.G.A. §42-8-111.



### **Third Conviction (Within 5 years)**

#### **Plea of *nolo contendere*:**

- No – Shall be treated as a conviction.

#### **Suspension**

- License/privilege to drive will be revoked upon conviction.

#### **Temporary Driving Permit**

- Yes

Surrender of most recently issued driver's license/Lost License Affidavit + 2 years or process date of conviction + 2 years, the defendant may apply for a Habitual Violator Probationary License. The defendant may request the issuance of this application by mailing his or her request to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

The Habitual Violator Probationary License fee will be \$210 (or \$200 if applied for by mail).

*Note: During the first six months of the probationary license, the driver will be required to have an Ignition Interlock Device on any vehicle he or she operates, if the defendant's HV was based upon at least two convictions under O.C.G.A. §40-6-391.*

*Note: Driver Services has the authority to revoke the limited driving permit if a person is convicted of violating any state law or local ordinance relating to the movement of vehicles, is convicted of violating the conditions endorsed on his/her permit, or fails to go to or complete the treatment program. If the permit is revoked, it will not be reissued, even if the person reenrolls in or completes the treatment program. See O.C.G.A. §40-5-64(g)(1)(A) and (B).*

#### **Reinstatement**

- Any person convicted of a second or subsequent offense under O.C.G.A. §40-6-391 within a five year period, shall be required to undergo a clinical evaluation and, if indicated by such evaluation, must complete a substance abuse treatment program before the drivers license





will be reinstated, provided that such evaluation and treatment shall be at such person's expense except as otherwise provided by O.C.G.A. §37-7-120. Acceptable proof of completion of such a program must be submitted to the Department of Driver Services prior to license reinstatement, issuance, or restoration. O.C.G.A. §40-5-63.1

#### **Court responsibilities for Third Conviction of DUI within 5 years:**

Upon conviction, the court shall:

- Seize the defendant's driver's license or complete an official Lost License Affidavit (DS 250A form),
- Declare and serve the defendant Habitual Violator by using the official court notice of Habitual Violator (DS 1189 form),
- The court should report the conviction electronically to Driver Services within 10 days following disposition. The driver's license or Lost License Affidavit must be submitted by mail.

#### **Fourth Conviction (Within 5 years)**

##### **Suspension**

In addition to the sanctions imposed upon a third conviction, a defendant who is convicted for a fourth violation under O.C.G.A. §40-6-391 while declared and served as a Habitual Violator will be subject to the charges of Felony With a Vehicle and DUI, to include the seizure of the automobile used in the commission of the offense of DUI. O.C.G.A. §40-6-391

As provided in O.C.G.A. §40-6-391.2, the procedures for the confiscation of the vehicle must be implemented by the district attorney's office; therefore, these cases should be placed in the respective superior court.

The arresting agency, upon verifying that the driver has met these requirements, shall declare the vehicle as contraband. Within twenty days from the date of seizure, this vehicle must be relinquished to the district attorney's office. The district attorney has no more than 60 days from the seizure to initiate the condemnation procedures as provided in this code section.



### **Extenuating Circumstances**

In any case where a vehicle which is the only family vehicle is determined to be subject to forfeiture, the court may, if it determines that the financial hardship to the family as a result of the forfeiture and sale outweighs the benefit to the State from such forfeiture, order the title of the vehicle transferred to such other family member who is a duly licensed operator.

The interest of an owner, lessee, security interest holder, or lien-holder shall not be subject to forfeiture unless the condemner shows by a preponderance of evidence that such person knew, or reasonably should have known, that the operator was a habitual violator as set forth in this section and knew, or reasonably should have known, that such person would operate or was operation the vehicle while in violation of O.C.G.A. §40-6-391.

### **Proceeds of Sale**

The proceeds arising from such sale shall be deposited into the general treasury of the State or any other governmental unit whose law enforcement agency it was that originally seized the vehicle.

It is the intent of the General Assembly that, wherever possible, proceeds deposited in to the State treasury should be used and that proceeds vested in any local governmental unit shall be applied to fund alcohol or drug treatment, rehabilitation, and prevention and education programs, after making the necessary expenditures for:

- Any costs incurred in the seizure;
- The costs of the court and its officers; and
- Any cost incurred in the storage, advertisement, maintenance, or care of the motor vehicle.



# Ignition Interlock Device

## Why Ignition Interlock for repeat DUI offenses?

United States Code of Federal Regulations

TITLE 23–HIGHWAYS

CHAPTER II–NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AND FEDERAL HIGHWAY  
ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 1275\_REPEAT INTOXICATED DRIVER LAWS–Table of Contents

Sec. 1275.4 Compliance criteria.

(a) To avoid the transfer of funds as specified in Sec. 1275.6 of this part, a State must enact and enforce a law that establishes, as a minimum penalty, that all repeat intoxicated drivers shall:

(1) Receive a driver's license suspension of not less than one year;

(2) Be subject to either–

(i) The impoundment of each of the driver's motor vehicles during the one-year license suspension;

(ii) The immobilization of each of the driver's motor vehicles during the one-year license suspension;  
or

(iii) The installation of a State-approved ignition interlock system on each of the driver's motor vehicles at the conclusion of the one-year license suspension;

(3) Receive an assessment of their degree of alcohol abuse, and treatment as appropriate; and

(4) Receive a mandatory sentence of–



(i) Not less than five days of imprisonment or 30 days of community service for a second offense; and

(ii) Not less than ten days of imprisonment or 60 days of community service for a third or subsequent offense.

(b) Exceptions. (1) A State may provide limited exceptions to the impoundment or immobilization requirements contained in paragraphs (a)(2)(i) and (a)(2)(ii) of this section on an individual basis, to

avoid undue hardship to any individual who is completely dependent on the motor vehicle for the necessities of life, including any family member of the convicted individual, and any co-owner of the motor vehicle, but not including the offender.

(2) A State may provide limited exceptions to the requirement to install an ignition interlock system on each of the offender's motor vehicles, contained in paragraph (a)(2)(iii) of this section, on an

individual basis, to avoid undue financial hardship, provided the State law requires that the offender may not operate a motor vehicle without an ignition interlock system.

(3) Such exceptions may be issued only in accordance with a State law, regulation or binding policy directive establishing the conditions under which vehicles may be released by the State or under Statewide published guidelines and in exceptional circumstances specific to the offender's motor vehicle, and may not result in the unrestricted use of the vehicle by the repeat intoxicated driver.

**[63 FR 55802, Oct. 19, 1998, as amended at 65 FR 59124, Oct. 4, 2000]**

If a person required to report to an ignition interlock provider fails to report to the provider as required or receives an unsatisfactory report from the provider at any time during the six-month period, the limited driving permit will be revoked.

Within 30 days after the revocation of the limited permit, the person may make a written request for a hearing and remit to the department a payment of \$250 for the cost of the hearing.

Within 30 days after receiving a written request for a hearing and a payment of \$250, the Department of Driver Services shall hold a hearing.

If the hearing officer determines that the person failed to report to the ignition interlock provider for any of the reasons specified below, a new ignition interlock device limited driving permit shall immediately be issued that shall be valid for a period of six months. Such reasons shall be for providential cause and include, but not be limited to, the following:

9. Medical necessity, as evidenced by a written statement from a medical doctor;
10. The person was incarcerated;



11. The person was required to be on the job at his or her place of employment, with proof that the person would be terminated if he or she was not at work; or
12. The vehicle with the installed interlock device was rendered inoperable by reason of collision, fire, or a major mechanical failure.

If the hearing officer determines that the person failed to report to the ignition interlock provider for any reason other than those specified, or if the person received an unsatisfactory report from the provider, the person may apply for and be issued a new ignition interlock device limited driving permit after 120 days.

**This shall not apply to any person convicted of violating O.C.G.A. §42-8-118.**

This suspension will not age off, but will remain active until the defendant has completed the DDS and court requirements listed above.

## **Endangering a Child During the Commission of Driving Under the Influence**

O.C.G.A. §40-6-391(l).

A person who violates this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child.



## Implied Consent Suspensions

O.C.G.A. §40-5-55 and O.C.G.A. §40-5-67.1

### Suspension(s)

- License/Privilege to drive suspended for a minimum of 1 year on every refusal to submit to the state administered chemical test.

### Temporary/Limited Driving Permit

- No

### Reinstatement

- Suspension “ages off” of the record at the end of 1 year. No reinstatement fee required.

*Note: In the event the person is acquitted of a violation of O.C.G.A. §40-6-391, or such charge is initially disposed of other than by a conviction or plea of nolo contendere, the suspension shall be terminated and deleted from the driver's license record.*

## Administrative License Suspensions

O.C.G.A. §40-5-67.1

### First Suspension

#### Suspension

License/Privilege to drive will be suspended upon the effective date of the suspension.



### **Temporary Driving Permit**

- Yes

If the accused is a Georgia licensee, and there are no other active suspensions noted on the driving record, the defendant may be eligible to apply for an ALS 30-day permit through Driver Services; however, this permit is not available for Implied Consent Refusals. See O.C.G.A. §40-5-64. The ALS 30-day permit is only available in person at Driver Services Headquarters in Conyers, is non-renewable, and requires a \$25 fee.

### **Reinstatement**

- If no other active suspensions are noted on the driving record: Effective date of suspension + 30 days

The licensee must also:

- Submit an original certificate of completion of an approved DUI Alcohol/Drug Use Risk Reduction Program;
- Remit a \$210 restoration fee (or \$200 if reinstatement is processed for by mail).

*Note: Suspension time pursuant to an Administrative License Suspension {O.C.G.A. §40-5-67.1} shall be counted toward fulfillment of any period of suspension subsequently imposed as a result of a conviction of violating O.C.G.A. §40-6-391 that arises out of the same violation for which the Administrative License Suspension was imposed. See O.C.G.A. Code Section 40-5-67.2(b).*

## **Second Suspension (Within 5 years)**

### **Suspension**

License/Privilege to drive suspended upon effective date of suspension.

### **Temporary/Limited Driving Permit**

- No

### **Reinstatement**

- If no other active suspensions are noted on the driving record: Effective date of the suspension + 18 months



**The licensee must also:**

- Submit an original certificate of completion of an approved DUI Alcohol/Drug Risk Reduction Program; and,
- Remit a \$210 restoration fee (or \$200 if reinstatement is applied for by mail).

**Third Suspension/Subsequent Suspensions (Within 5 years)**

**Suspension**

- License/Privilege to drive suspended upon effective date of the suspension.

**Temporary/Limited Driving Permit**

- No

**Reinstatement**

- If no other active suspensions are noted on the driving record: Effective date of suspension + 2 years

The licensee may make application for a probationary license. The defendant may request the issuance of this application by mailing his or her request to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

The probationary license fee will be \$210 (or \$200 if application is processed by mail).





## ALS Withdrawals

375-3-3-.04 Departmental Hearings. Amended.

H. Cases Initiated Pursuant to O.C.G.A. §40-5-67.1.

1. In hearings conducted pursuant to O.C.G.A. §40-5-67.1, the arresting law enforcement officer may act on behalf of the Department as the complainant.

2. Withdrawal of Suspension by Arresting Officer.

i. The arresting officer may at his or her discretion withdraw the administrative license suspension at any time during the ten (10) business days following the issuance of the Form 1205 or Form 1205s.

ii. If the licensee does not submit a request for a hearing, the suspension shall be upheld as the Final Decision of the Department by operation of law, and the arresting officer may not withdraw the administrative license suspension thereafter.

iii. If the licensee requests a hearing within the statutorily allotted period for same, the arresting officer may withdraw the administrative license suspension at his or her discretion at any point prior to the issuance of the Final Decision by the Administrative Law Judge. Upon the issuance of the Final Decision, the arresting officer may not withdraw the suspension.

Authority: O.C.G.A. §§40-5-4, 40-9-34

Effective Date: 2/13/2005



## License Suspension for Possession of a Controlled Substance or Marijuana

O.C.G.A. §40-5-75

Violations of O.C.G.A. §16-13-2(b), O.C.G.A. §16-13-30 (a), (b), or (j), or O.C.G.A. §16-13-33 or O.C.G.A. §40-6-391(a) paragraphs (2), (4), or (6).

### **Plea of *nolo contendere*:**

- Yes - However, only for First Offense within 5 years, in accordance with O.C.G.A. §40-5-75(c)

### **Criteria:**

- The defendant must be charged with misdemeanor possession of marijuana less than one ounce in violation of O.C.G.A. §16-13-30(j)(1) and sentenced under O.C.G.A. §16-13-2(b).
- The defendant must be over the age of 16.
- The defendant must have a driver's license.
- The defendant must not have any convictions or pleas of *nolo contendere* to any violations governed by O.C.G.A. §40-5-75 within the previous five years, as measured from date of arrest to date of arrest.

### **What is the process?**

The decision to accept a plea of *nolo contendere* to a misdemeanor charge of unlawful possession of marijuana less than one ounce shall be at the sole discretion of the judge. If the plea of *nolo contendere* is accepted, the judge shall:

1. Order the defendant to attend and complete a DUI Alcohol or Drug Use Risk Reduction Program. The order shall stipulate that the defendant shall complete such program and submit evidence of such completion to the Department of Driver Services within 120 days.
2. The record of the disposition of the case shall be forwarded to Driver Services within 10 days of the disposition.
3. The judge shall notify the defendant that if he/she fails to complete such program and fails to submit evidence of such completion to Driver Services within 120 days, his/her driver's license shall be suspended by operation of law.



*The court shall return the driver's license to the defendant.*

## **Conditional Discharge O.C.G.A. §16-13-2(a)**

### ***Criteria:***

Any person who has not previously been convicted of any offense under Article 2 or Article 3 of Chapter 13 of Title 16 or of any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs.

Discharge and dismissal under this Code section may occur only once with respect to any person.

### ***What is the process?***

1. The defendant pleads guilty or is found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug.
2. The court, without entering a judgment of guilt and with the consent of such person, defers further proceedings and places him or her on probation upon such reasonable terms and conditions as the court may require, preferably terms which require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical treatment, not to exceed three years.
3. Nothing should be reported to Driver Services at this time. The defendant has been placed on probation and the proceedings have been deferred; therefore, there is no final disposition.

## **TWO POSSIBLE PATHS**

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed accordingly. The conviction should then be reported to our department using either the uniform traffic citation or DS1242. The disposition would either be “Pled Guilty” or “Found Guilty”. The defendant’s license and/or privilege to drive will then be suspended by operation of law.

OR

Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this Code section shall be without court



adjudication of guilt and shall not be deemed a conviction for purposes of this Code section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

**If the defendant is discharged and the charge is dismissed, DO NOT REPORT THE DISMISSAL TO OUR DEPARTMENT.**

### **First Conviction (within 5 years)**

#### **Suspension**

- License/Privilege to drive suspended upon conviction.

#### **Temporary/Limited Driving Permit**

- No

#### **Reinstatement**

If there are no other active suspensions noted on the driving record, earliest of:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 180 days;  
or,
- Process date of conviction + 180 days.

#### **The defendant must also:**

- Submit an original certificate of completion of an approved DUI Alcohol/Drug Risk Reduction Program; and,
- Remit a \$210 restoration fee (or \$200 if processed by mail).

If by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**



## **Second Conviction (Within 5 years)**

### **Plea of *nolo contendere*:**

- No. Shall be treated as a conviction.

### **Suspension**

- License/Privilege to drive suspended upon conviction.

### **Temporary/Limited Driving Permit**

- No

### **Reinstatement**

If there are no other active suspensions noted on driving record, earliest of:

- Surrender date of the most recently issued driver's license/Lost License Affidavit + 1 year;  
or,
- Process date of conviction + 1 year.

### **The defendant must also:**

- Submit an original certificate of completion an approved DUI Alcohol/Drug Use Risk Reduction Program;
- Remit a \$210 restoration fee (or \$200 if processed by mail).

If by mail, the following address should be used:

Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182



### Third Conviction (Within 5 years)

#### Plea of *nolo contendere*:

- No

#### Suspension

- License/Privilege to drive suspended upon date of conviction.

#### Temporary/Limited Permit

- Yes

If there are no other active suspensions noted on the driving record, surrender date/Lost License Affidavit + 2 years, or process date of conviction + 2 years, the defendant may apply for a controlled substance limited driving permit:

- Upon completion of a licensed drug treatment program approved by the Department of Driver Services and submitting the original certificate of completion; and,
- Meeting the departmental requirements.

The defendant may request this application by mailing his or her request to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

#### Reinstatement

If there are no other active suspensions noted on the driving record, earliest of:

- Surrender date of most recently issued driver's license/Lost License Affidavit + 5 years;  
or,
- Process date of conviction + 5 years.



**Court Responsibilities for First/Second/Subsequent Convictions of Controlled Substance Violations within 5 years:**

Upon conviction, the court shall:

- Serve the defendant with the court notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Report the disposition electronically to Driver Services within 10 days following disposition and mail the DS 1190 form and driver's license/Lost License Affidavit to Driver Services.



# Gasoline Drive Off

O.C.G.A. §40-6-255 and O.C.G.A. §40-5-57.2

## Plea of *nolo contendere*:

- Yes

If a plea of *nolo contendere* is accepted, nothing should be reported to Driver Services.

## First Conviction

- No suspension, but the conviction should be reported to Driver Services within ten (10) days following disposition.

## Second Conviction

- License/Privilege to drive suspended upon conviction.

## Third or Subsequent Conviction

- License/Privilege to drive suspended upon conviction.

## Temporary/Limited Permit

- No

## Reinstatement

- Second Conviction: If there are no other active suspensions noted on the driving record after a suspension period of 6 months, the defendant may apply for reinstatement. The defendant must remit \$60 reinstatement fee (or when processed by mail, \$50).
- Third or Subsequent Conviction: If there are no other active suspensions noted on the driving record after a suspension period of 12 months, the defendant may apply for reinstatement. The defendant must remit \$60 reinstatement fee (or when processed by mail, \$50).

*Note: PLEASE REPORT ALL CONVICTIONS. First convictions will not cause a suspension but will be filed at Driver Services in order to determine future suspensions for second or subsequent convictions.*

## Court Responsibilities

Upon second/subsequent conviction, the court shall:

- Serve the defendant with the court notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Report the disposition electronically within 10 days after conviction.
- Mail the DS 1190 form and drivers license/Lost License Affidavit to Driver Services.





## H.O.V. Lane Violations

O.C.G.A. §32-9-4 O.C.G.A. §40-5-57, and O.C.G.A. §40-6-54

Any person who violates subsection (b) of O.C.G.A. §32-9-4 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine:

- (1) Not to exceed \$75.00 for the first offense;
- (2) Not to exceed \$100.00 for the second offense;
- (3) Not to exceed \$150.00 for the third offense; and
- (4) Not to exceed \$150.00 + one point as provided for under O.C.G.A. § 40-5-57 for the fourth or subsequent offense.

*Note: PLEASE REPORT ALL CONVICTIONS. First through Third Convictions will not cause any points to be added to defendant's license, but will be filed at DDS in order to determine future point assessments.*



## Driving While License Suspended or Revoked

O.C.G.A. §40-5-121

*Note: If a defendant's license is suspended as result of a Controlled Substance Violation, and he/she is convicted of driving while their license is suspended or revoked, the fine shall be not less than \$750.00 nor more than \$5,000.00, or imprisonment of not more than 12 months, or both. See O.C.G.A. §40-5-75(f).*

### Plea of *nolo contendere*:

- Yes

A plea of *nolo contendere* will only be accepted once under this code section within any 5-year period. An accepted plea of *nolo contendere* must be reported to Driver Services.

### Suspension

License/privilege to drive suspended for 6 months from date of conviction, in addition to any other suspensions. See O.C.G.A. §40-5-121.

### Temporary Permit

- No

### Reinstatement

- Suspension will age off date of conviction + 6 months.



## No Insurance

O.C.G.A. §40-6-10 and O.C.G.A. §40-5-70

### Plea of *nolo contendere* :

- Yes

A plea of *nolo contendere* will be accepted for a first violation and will not result in a license suspension. However, the court shall forward a record of the disposition to Driver Services within 10 days of the disposition.

## First Conviction

### Suspension

- License/Privilege to drive suspended upon conviction.

### Temporary/Limited Permit

- No

### Reinstatement

If there are no other active suspensions noted on the driving record, Surrender date + 60 days or Process date + 60 days, the defendant may reinstate, provided he/she:

- Provides proof of having prepaid a six-month minimum insurance policy.
- Remits a restoration fee of \$60 (or \$50 when processed by mail) to Driver Services
- The suspension shall terminate and Driver Services shall return the driver's license.

## Second Conviction (Within 5 years)

### Plea of *nolo contendere*:

- No. Shall be treated as a conviction.



### Suspension

- License/Privilege to drive suspended upon conviction.
- License tag and tag registration shall also be suspended for a period of 90 days from date of conviction.

### Temporary/Limited Driving Permit

- No

### Reinstatement

- Surrender date + 90 days;  
or,
- Process date + 90 days.

### Court Responsibilities

Upon conviction, the court shall:

- Serve the defendant with the court notice of suspension using the official DS 1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS 250A form).
- Report the disposition electronically within 10 days after conviction.
- Mail the DS 1190 form and drivers license/Lost License Affidavit to Driver Services.

## Points Suspensions

O.C.G.A. §40-5-57

The driver's license of any person who has accumulated 15 or more points in any consecutive 24-month period shall be suspended. **Not just the past 24 months, ANY 24-month period.**

Effective January 1, 2002: The driver's license of any person under 18 years of age who has accumulated a violation point count of four or more points in any consecutive 12 month period shall be suspended by the department. O.C.G.A. §40-5-57.1.



Effective July 1, 2004: No points shall be assessed as provided in O.C.G.A. §40-5-57 for any violation committed by a non-resident.

## **First Assessment (Within 5 years)**

### **Suspension**

- License will be suspended upon effective date of suspension.

### **Temporary/Limited Permit**

- Yes - For first and second assessments only. Permit will be valid for up to one year from the date of issuance, is non-renewable, and requires a \$25 fee. See O.C.G.A. §40-5-64(e)

### **Reinstatement**

If there are no other active suspensions noted on the driving record, licensee may reinstate immediately provided he/she:

- Submits an original certificate of completion of a Defensive Driving course approved by the Department of Driver Services; and
- Remits a \$210 restoration fee (or \$200 if reinstatement is applied for by mail). If by mail, the following address should be used:  
**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

## **Second Assessment (Within 5 years)**

### **Suspension**

- License will be suspended upon effective date of suspension.

### **Temporary/Limited Permit**

- Yes - For first and second assessments only. Permit will be valid for up to one year from the date of issuance, is non-renewable, and requires a \$25 fee. See O.C.G.A. §40-5-64(e)

### **Reinstatement**

If no other active suspensions noted on the driving records, licensee may reinstate immediately by:



- Attending an approved defensive driving clinic and submitting the original certificate of completion; and,
- Remitting of a \$210 restoration fee (or \$200 if reinstatement is applied for by mail).

If by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

### **Third Assessment (Within 5 years)**

#### **Suspension**

- License suspended upon effective date of suspension.

#### **Temporary/Limited Permit**

- No

#### **Reinstatement**

- If no other active suspensions are noted on the driving record, after 2 years, the licensee may request reinstatement

## **Point Schedule**

- Aggressive driving = 6 points
- Reckless driving = 4 points
- Unlawful passing of a school bus = 6 points
- Improper passing on a hill or a curve = 4 points
- Exceeding the speed limit, 14 MPH < Violation < 19 MPH = 2 points
- Exceeding the speed limit, 19 MPH ≤ Violation < 24 MPH = 3 points
- Exceeding the speed limit, 24 MPH ≤ Violation < 34 MPH = 4 points
- Exceeding the speed limit, 34 MPH ≤ Violation = 6 points
- Disobedience of any traffic-control device or traffic officer = 3 points
- Too fast for conditions = 0 points
- Possessing an open container of an alcoholic beverage while driving = 2 points
- Failure to adequately secure a load, except fresh farm produce, resulting in loss of such load onto the roadway which results in an accident = 2 points



- Violation of child safety restraint requirements, first offense = 1 point
- Violation of child safety restraint requirements, second or subsequent offense = 2 points
- All other moving traffic violations which are not speed limit violations = 3 points (SEE BELOW)

### **375-3-3.01 Moving Traffic Violations Defined.**

(a) For the purposes of O.C.G.A. § 40-5-57, the following violations are defined as “moving traffic violations,” in addition to the violations enumerated in O.C.G.A. § 40-5-57(c)(1)(A):

O.C.G.A. § 40-6-6	Emergency Vehicle Violation
O.C.G.A. § 40-6-11	No Proof of Insurance Motorcycle
O.C.G.A. § 40-6-14	Limits on Sound Volume
O.C.G.A. § 40-6-40	Improper Lane Usage
O.C.G.A. § 40-6-41	Oncoming Traffic
O.C.G.A. § 40-6-42	Improper Passing
O.C.G.A. § 40-6-43	Improper Passing
O.C.G.A. § 40-6-44	Improper Passing
O.C.G.A. § 40-6-45	Improper passing
O.C.G.A. § 40-6-46	No passing zones
O.C.G.A. § 40-6-47	Wrong way on one-way road
O.C.G.A. § 40-6-48	Failure to maintain lane
O.C.G.A. § 40-6-49	Following too closely
O.C.G.A. § 40-6-50	Driving on Divided Highway
O.C.G.A. § 40-6-51	Illegal Use of Controlled-Access Road
O.C.G.A. § 40-6-52	Truck Lane Usage
O.C.G.A. § 40-6-70	Failure to Yield at Intersection
O.C.G.A. § 40-6-71	Failure to Yield when Turning Left
O.C.G.A. § 40-6-72	Stop/Yield Sign Violation
O.C.G.A. § 40-6-73	Failure to Yield Crossing or Entering Road
O.C.G.A. § 40-6-74	Failure to Yield to Emergency Vehicle
O.C.G.A. § 40-6-75	Failure to Yield to Construction/Maintenance
O.C.G.A. § 40-6-76	Failure to Yield to Funeral Procession
O.C.G.A. § 40-6-91	Failure to Yield to Pedestrian
O.C.G.A. § 40-6-93	Failure to Use Due Care to Pedestrian
O.C.G.A. § 40-6-94	Failure to Yield to Blind Pedestrian
O.C.G.A. § 40-6-98	Driving Through Safety Zone
O.C.G.A. § 40-6-120	Improper Turning
O.C.G.A. § 40-6-121	Improper U-Turn
O.C.G.A. § 40-6-123	Improper Turning, Failure to Signal
O.C.G.A. § 40-6-124	Improper Use of Signal Lights



O.C.G.A. § 40-6-125	Improper Use of Hand Signals
O.C.G.A. § 40-6-126	Improper Use of Turning Lane
O.C.G.A. § 40-6-142	Certain vehicles to stop at all railroad crossings
O.C.G.A. § 40-6-143	Moving heavy equipment at railroad crossings
O.C.G.A. § 40-6-144	Emerging from alley, driveway, or building
O.C.G.A. § 40-6-161	Operating school bus without headlights
O.C.G.A. § 40-6-162	Failure to use visual signals by school bus
O.C.G.A. § 40-6-164	Failure of school bus driver to yield right of way
O.C.G.A. § 40-6-184	Impeding traffic flow
O.C.G.A. § 40-6-205	Obstructing intersection
O.C.G.A. § 40-6-240	Improper Backing
O.C.G.A. § 40-6-241	Failure to exercise due care
O.C.G.A. § 40-6-242	Driving with obstructed view
O.C.G.A. § 40-6-244	Allowing occupancy of moving house trailer
O.C.G.A. § 40-6-245	Improper driving thru canyon or on mountain
O.C.G.A. § 40-6-246	Coasting
O.C.G.A. § 40-6-247	Following emergency vehicles
O.C.G.A. § 40-6-248	Crossing fire hose
O.C.G.A. § 40-6-250	Wearing device impairing hearing or vision
O.C.G.A. § 40-6-251	Laying drags
O.C.G.A. § 40-6-252	Cruising
O.C.G.A. § 40-6-253.1	Transportation of etiologic agent
O.C.G.A. § 40-6-271	Striking unattended vehicle
O.C.G.A. § 40-6-272	Striking fixture
O.C.G.A. § 40-6-273	Failure to report accident
O.C.G.A. § 40-6-275	Failure to remove vehicle from roadway
O.C.G.A. § 40-6-311	Manner of riding motorcycle
O.C.G.A. § 40-6-312	Operating motorcycle on road laned for traffic
O.C.G.A. § 40-6-313	Clinging to other vehicles
O.C.G.A. § 40-6-314	Motorcycle footrest/handlebar violation
O.C.G.A. § 40-6-315	Motorcycle helmet/eyewear violation
O.C.G.A. § 40-6-352	Moped helmet violation
O.C.G.A. § 40-6-361	Improper lane usage-low speed vehicle
O.C.G.A. § 40-6-362	Improper highway access-low speed vehicle
O.C.G.A. § 40-6-393.1	Feticide by vehicle (misdemeanor)

(b) The Department shall assess three (3) points to the driver history record upon receipt of notice of any of the above convictions.

(c) The Department shall assess points to the driver history record upon receipt of notice of a conviction for a moving traffic violation in another state in accordance with the actions required of a





corresponding violation under Georgia law. For persons “operating” a vehicle. The provisions of O.C.G.A. § 40-6-45(a)(1), relating to improper passing on a hill or curve, are excluded pursuant to the provisions of O.C.G.A. § 40-5-57(c)(1)(A).

Authority: O.C.G.A. §§40-5-52; 40-5-57.

## **Failure to Appear**

O.C.G.A. §40-5-56

### **General Information**

DS Form 912, “Notice of Failure to Comply with Terms of Citation.”

O.C.G.A. §40-5-56, O.C.G.A. §17-6-11, and O.C.G.A. §17-6-2

### **Effective July 1, 2006**

In accordance with HB 1253, law enforcement officers are no longer required to verify a serve date in order to make a case for driving while license is suspended (O.C.G.A. §40-5-121) for Failure to Appear. A license suspended for failure to appear will remain so indefinitely, or until the individual pays a restoration fee and can show proof of payment to the court of jurisdiction.

*Note: The purpose of this suspension is to make certain that the defendant will appear before the court to answer the charges alleged by the apprehending officer. This suspension will remain active until the Department of Driver Services receives notice from the court that the case against the defendant has been finally adjudicated.*

*This is the only purpose of this form. It cannot be used as a means of collecting fines from disposed cases. Courts may submit the DS 912 and DS 912 releases via the GECPS system for Georgia licensees only. Out-of-state licensees require that the DS 912 be submitted via mail. PLEASE USE A SEPARATE DS 912 FORM FOR EACH CITATION, IF YOU HAVE MULTIPLE CITATIONS, USE MULTIPLE FORMS.*



## **Driver's License Displayed in Lieu of Bail**

O.C.G.A. §17-6-11

For Georgia residents that have “displayed” their driver’s license in lieu of bail:

### **Suspension**

Indefinite.

**The court should take the following actions if a Georgia driver’s license was displayed in lieu of bail and the defendant does not appear in court at the time of arraignment:**

1. Complete the official DS912 form, checking the second block.
2. The copy that is marked “DEFENDANT’S NOTICE” (top copy) should be sent to the licensee as notification that he or she should appear to answer the charges before your court. The court shall then forward the “HOME JURISDICTION COPY” (yellow) to DDS immediately.
3. Upon receipt of a DS912 forwarded by the court, DDS shall suspend the driver’s license and driving privilege of the defaulting person indefinitely.
4. Upon adjudication the court should provide the defendant with the “DEFENDANT’S RECEIPT” (pink copy) and should mail the copy entitled “HOME JURISDICTION-SUSPENSION WITHDRAWAL” (goldenrod copy) to this Department.
5. It is important that the Department of Driver Services receives the copy marked the “HOME JURISDICTION-SUSPENSION WITHDRAWAL” in order to process the release of the suspension.
6. The “COURT COPY” (bottom copy) should be retained as a part of the court’s records.

### **Reinstatement**

- After we receive the “HOME JURISDICTION-SUSPENSION WITHDRAWAL” copy from the court, the person must pay DDS a restoration fee of \$50.00 (\$25.00 if processed by mail.)



**For non-Georgia drivers licensed in a member state of the Nonresident Violator Compact:**

*Note: The Department of Driver Services will not accept DS 912 forms for people licensed in the following states, as these states are not members of the Nonresident Violator Compact:*

**Alaska, California, Michigan, Montana, Oregon, or Wisconsin**

Those law enforcement agencies that submit traffic violations to your court should be notified not to issue appearance citations to drivers licensed in any of these six “nonmember” states.

**The court should take the following actions if a driver’s license from a “member state” was displayed in lieu of bail and the non-Georgia resident defendant does not appear in court at the time of arraignment:**

1. Complete the DS912, checking the first block.
2. The copy that is marked “DEFENDANT’S NOTICE” (top copy) should be sent to the licensee as notification that he or she should appear to answer the charges before your court. The court shall then forward the “HOME JURISDICTION COPY” (yellow) to this Department within 5 days.
3. Upon receipt of a DS912 forwarded by the court, the Department shall suspend the driving privilege of the defaulting person indefinitely.
4. Notification will be sent to the driver’s home state. As a member of the Nonresident Violator Compact, the member state has agreed to suspend the driver’s license issued in their state until notified by this department that charge against the person has been finally adjudicated.
5. Upon adjudication the court should provide the defendant with the “DEFENDANT’S RECEIPT” (pink copy) and should mail the copy entitled “HOME JURISDICTION-SUSPENSION WITHDRAWAL” (goldenrod copy) to this Department.

It is important that the Department of Driver Services receives the copy marked the “HOME JURISDICTION-SUSPENSION WITHDRAWAL” in order to process the release of the suspension.

The “COURT COPY” (bottom copy) should be retained as a part of the court’s records.

**Reinstatement**

After we receive the “HOME JURISDICTION-SUSPENSION WITHDRAWAL” copy from the court, the person must pay to this Department a restoration fee of \$50.00 (\$25.00 if processed by mail.)



## Driver's License as Collateral

O.C.G.A. §17-6-2

Any qualifying defendant may be allowed to post their valid driver's license as collateral for bail pursuant to an agreement under O.C.G.A. §17-6-2.

### The requirements are:

1. The individual is a Georgia resident;
2. The individual possesses a valid Georgia driver's license (not expired, suspended, or revoked);
3. The individual is charged with a violation of state law (misdemeanor offense);
4. The individual has been incarcerated for not less than five days; and
5. The individual's bail is \$1,000.00 or less.

The sheriff of the county wherein the violation occurred shall be authorized, unless otherwise ordered by a judicial officer, accept that individual's driver's license as collateral. The individual posting a license as collateral shall execute an acknowledgment and agreement between the individual and the State of Georgia as bond wherein the individual agrees to appear in court to answer the charges made against the individual and acknowledges that failure to appear in court when the case is scheduled for hearing, trial, or plea shall result in a forfeiture of the individual's license through suspension by operation of law effective upon the date of the individual's scheduled appearance. The individual shall also be notified that failure to appear in court as required may result in criminal prosecution for bail jumping as provided in O.C.G.A. §16-10-51. After execution of the agreement, except as otherwise provided by law, the license shall be returned to the individual and the original agreement shall be delivered to the prosecuting attorney for filing with the accusation, citation, or dismissal. Whenever an individual has been charged with a violation of O.C.G.A. § 40-6-391, relating to driving under the influence of alcohol or drugs, then the provisions of O.C.G.A. § 40-5-67 shall apply. **If the defendant does not appear in court at the time of arraignment, the court should take the following actions to clear this case:**

1. Complete the official DS912 form, checking the third block.
2. The copy that is marked "DEFENDANT'S NOTICE" (top copy) should be sent to the licensee as notification that he or she should appear to answer the charges before your court.
3. The court shall then forward, within five days, the "HOME JURISDICTION COPY" (yellow) to this Department.

Upon receipt of an official DS912 form from the court, DDS shall suspend the driver's license and driving privilege of the defaulting person indefinitely.



### **Suspension**

- Indefinite.

### **Reinstatement**

- A license suspended pursuant to this subsection shall only be reinstated when the individual shall pay to the Department of Driver Services a restoration fee of \$25 together with a certified notice from the clerk of the originating court that the case has either been disposed of or has been rescheduled and a deposit of sufficient collateral approved by the sheriff of the county wherein the charges were made in an amount to satisfy the original bail amount has been made.



# Commercial Driver's License

O.C.G.A. §40-5-140 through O.C.G.A. §40-5-159

Any operator of a commercial vehicle must have in his or her possession a valid commercial driver's license.

Exceptions: Military personnel operating military vehicles, recreational vehicles, fire or emergency vehicles, farm equipment operated within 150 miles of the farm or any other non-commercial vehicle.

This license can be identified by the caption "Commercial License" which will be displayed prominently on the front of each license.

*Note: If a violation is committed while operating a commercial vehicle, all blocks on the citation that denote that the driver was operating a commercial vehicle must be marked; if the vehicle was a non-commercial vehicle, the citation should not reflect that the violation occurred in a commercial vehicle.*

**EFFECTIVE OCTOBER 1, 2003: Serious Traffic Violations committed in a COMMERCIAL and/or NONCOMMERCIAL vehicle WILL COUNT toward a CDL disqualification.**

## Serious Traffic Violations

"Serious traffic violation" means:

- Speeding 15 or more miles per hour above the posted speed limit;
- Reckless driving;
- Following another vehicle too closely;
- Improper or erratic lane change which presents a risk to any other vehicle, but not including failure to signal a lane change;
- A violation, arising in connection with a fatal accident relating to motor vehicle traffic control, excluding parking, weight, length, height, and vehicle defect violations; or
- A railroad grade crossing violation.
- Driving a commercial motor vehicle without obtaining a commercial driver's license;



- Driving a commercial motor vehicle without a valid commercial driver's license in the driver's immediate possession; or
- Driving a commercial motor vehicle without a commercial driver's license of the proper class and/or endorsements for the specific vehicle being operated or for the passengers or type of cargo transported.

### **Disqualifications, Suspensions and Penalties**

O.C.G.A. § 40-5-151

(f)(1) Except as otherwise provided by paragraph (2) of this subsection, any person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations or 120 days if convicted of three serious traffic violations committed in a commercial or noncommercial motor vehicle arising from separate incidents occurring within a three-year period as measured from the dates of arrests for which convictions were obtained.

(2) If the serious traffic violation committed in a commercial motor vehicle is a railroad grade crossing violation, the person shall be disqualified from driving a commercial motor vehicle for a period of not less than 60 days upon the first conviction within a three-year period as measured from the dates of arrests for which convictions were obtained, for not less than 120 days if convicted of two railroad grade crossing violations arising from separate incidents within a three-year period as measured from the dates of arrests for which convictions were obtained, or for not less than one year if convicted of three railroad grade crossing violations arising from separate incidents within a three-year period as measured from the dates of arrests for which convictions were obtained.

(g)(1) Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders:

(A) First violation - a driver who is convicted of a first violation of an out-of-service order is disqualified for a period of not less than 90 days and not more than one year;

(B) Second violation - a driver who is convicted of two violations of out-of-service orders in separate incidents is disqualified for a period of not less than one year and not more than five years; and

(C) Third or subsequent violation - a driver who is convicted of three or more violations of out-of-service orders in separate incidents is disqualified for a period of not less than three years and not more than five years.



### **O.C.G.A. §40-5-151**

Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year:

If convicted of a first violation of:

- Any offense specified in O.C.G.A. §40-5-54 that occurs while the person is driving or being in actual physical control of a moving commercial motor vehicle or a moving noncommercial vehicle;
- Driving or being in actual physical control of a moving commercial motor vehicle while there is 0.04 percent or more by weight of alcohol in his or her blood, breath, or urine; or
- Driving or being in actual physical control of a moving noncommercial vehicle in violation of O.C.G.A. §40-6-391; or
- For refusal to submit to a test as prescribed in O.C.G.A. §40-5-55 to determine the driver's alcohol concentration while driving a commercial motor vehicle or a noncommercial motor vehicle.

A conviction of two or more of these offenses within a five-year period will disqualify licensee from operating a commercial vehicle for life. O.C.G.A. §40-5-151(c).

A CDL licensee will be disqualified for three (3) years if convicted of using a commercial motor vehicle in the commission of a felony.

A commercial driver who is convicted of knowingly using a commercial motor vehicle in the commission of any felony relating to the manufacturing or distribution of controlled substances will be disqualified from operating a commercial vehicle for life. O.C.G.A. §40-5-151(e).

Any operator who drives a commercial vehicle with any measurable amount of blood alcohol shall be disqualified to operate such vehicle, and must be placed on an out-of-service order for 24 hours. O.C.G.A. §40-5-152. Any operator of a commercial vehicle who refuses to take a test as prescribed in O.C.G.A. §40-6-392, will be disqualified from operating a commercial vehicle for a minimum of one year. O.C.G.A. §40-5-151.

Driving with a suspended, revoked or disqualified license, or in violation of an out-of-service order, shall subject the driver to a misdemeanor charge with a fine of not less than \$500. Upon the receipt of this conviction, the Department will suspend the driver's license for six months from the date of conviction. O.C.G.A. §40-5-146 and O.C.G.A. §40-5-159.

Any commercial vehicle operator who has in his or her possession more than one valid driver's license shall upon conviction be guilty of a felony. The fine for this offense is \$5,000.00, or imprisonment for not more than 90 days, or both. O.C.G.A. §40-5-159.





A plea of nolo contendere will not be accepted for any conviction received in the operation of a commercial vehicle. A limited driving permit is NOT available for operating a commercial vehicle.

The defendant's commercial driver's license or lost license affidavit, if applicable, and service of suspension should be attached to the citation as part of the disposition of the court.

Note: Although the commercial license may be suspended, revoked, or under a disqualification, the privilege of operating a non-commercial vehicle may or may not be affected.

The procedures regarding reinstatement, if the violation committed would mandate a suspension under "non-commercial driver's license," may be found under the specific offense that was committed. If the offense is not covered in this manual, and you wish information in regards to this offense, you may call the Commercial Driver's License Unit at (678) 413-8458 or -8461.



## **Theft of a Commercial Conveyance and/or items from a Commercial Conveyance**

O.C.G.A. §16-8-12(a)(8)

Specifically referring to thefts outlined under O.C.G.A. 16-8-2 through 16-8-9, any person who commits a theft involving a vehicle engaged in commercial transportation of cargo, (including, but not limited to, trailers, semi trailers, containers, other associated equipment, OR the cargo being transported by these vehicles or conveyances):

### **Disqualification under O.C.G.A. §40-5-151(a)(1)(D):**

- the CDL is disqualified for a period of not less than one year (privileges to use a CDL and privileges to obtain a CDL)

### **Temporary or Limited Permit Commercial License:**

- NO

### **Non-commercial Status:**

- assuming no other suspensions or revocations, the non-commercial status will not be impacted

### **Reinstatement**

- no surrender of the license is required at the time of conviction
- assuming no other suspensions or revocation, the commercial status disqualification will age off disposition date + 12 months
- there will be no reinstatement fee or re-testing required



## Commercial Motor Vehicle/Commercial Driver's License FAQ

**Question:** What does "GVWR" mean?

**Answer:** GVWR means Gross Vehicle Weight Rating. GVWR is the rating applied by a vehicle manufacturer, and represents the maximum total weight of vehicle, cargo, people, fuel, and other fluids together.

**Question:** How is GVWR used?

**Answer:** The Gross Vehicle Weight Rating is one method used to determine whether a vehicle is subject to regulation.

**Question:** I'm confused. I've heard some people say that a GVWR of 10,001 lbs. or more makes a vehicle subject to the regulations, others say 26,001 lbs. Can you help clear this up?

**Answer:** Vehicles with a GVWR of 10,001 lbs. or more used as part of a business (including a non-profit organization) are considered commercial motor vehicles for purposes of most of the safety regulations. This applies to single vehicles (trucks and vans) and to combinations of vehicles (such as a truck pulling a trailer or other equipment). At 26,001 lb. and above GVWR, additional requirements also apply (Commercial Driver's License and Drug and Alcohol Testing). In addition, vehicles that carry hazardous materials for a business purpose are considered commercial regardless of GVWR.

**Question:** I've never heard of these regulations before. Are they new?

**Answer:** No. The safety regulations at the 10,001 lb. GVWR level have been in the Federal Regulations for decades. The State of Georgia first adopted the Federal Regulations in 1972 for for-hire carriers, and they have applied to both private and for-hire companies since 1984.

**Question:** My truck (or truck & trailer) that I use for my business has a GVWR of 10,001 lb. or more. Do I need a medical examiner's certificate?

**Answer:** Yes. The medical qualification and exam requirements apply.



**Question:** My truck (or truck & trailer) that I use for my business has a GVWR of 10,001 lb. or more. Do I need a US DOT Number?

**Answer:** Yes. The power unit must be identified with the name of the company and the US DOT Number. If you cross state lines, or otherwise carry interstate freight (such as air freight) the US DOT Number comes from the Federal DOT. If you stay within the State of Georgia, and don't carry interstate cargo, the US DOT number comes from the Department of Motor Vehicle Safety.

**Question:** My truck (or truck and trailer) that I use for my business has a GVWR of 10,001 lb. or more. Do I need to keep a logbook (Records of Duty Status)?

**Answer:** Generally, yes. Drivers of these vehicles are subject to the hours-of-service limits and record-keeping requirements. A local driver may not need a logbook if all of the following requirements are met:

1. The driver stays inside a 100-mile radius of their work-reporting location.
2. The driver reports to and is dismissed from the same work reporting location each day.
3. The driver works less than 12 hours each day, and drives less than 10 hours each day.
4. The driver has at least 8 hours off duty between each 12-hour on-duty period.
5. Time records are kept for 6 months, showing the time in, time out, and total hours worked each day.

Note: The driver is still subject to the 60 hours in 7-day rule or 70 hours in 8-day rule.

**Question:** My truck (or truck and trailer) that I use for my business has a GVWR of 10,001 lb. or more. What hours-of-service limits apply?

**Answer:**

1. The driver may drive up to 10 hours, after having 8 consecutive hours off duty.
2. The driver may be on duty for a total of 15 hours, after having 8 consecutive hours off duty (driving time counts against this 15-hour limit).
3. For a company that has vehicles operating every day, the driver may not exceed a total of 70 hours on duty time in the current 8-day period. For a company that does not operate every day, the limit is 60 hours on duty in the current 7-day period.



**Question:** What are the commonly violated regulations?

**Answer:** For vehicles and combinations with GVWR of 10,001 lbs. or more:

- Vehicle identification (Name and US DOT Number)
- No medical exam certificate
- Using a radar detector (radar detectors are prohibited)
- No fire extinguisher
- No stopped vehicle warning devices (reflective triangles)
- Driver did not do a pre-trip inspection (need not be written)
- Driver exceeded hours-of-service limits
- No time records kept on driver
- No annual mechanical inspection of vehicle
- No post-trip inspection (must be in writing)
- Trailers not equipped with required brakes, lights, and reflectors.

**Question:** Does my trailer have to have brakes?

**Answer:** Yes, if the gross weight of the trailer (weight of trailer and load) is over 3,000 lbs.

**Question:** What brakes are required?

**Answer:** Operative service brakes on all wheels, a parking brake system, an emergency brake system, and a breakaway braking system. The parking and emergency systems can be combined.

**Question:** Are surge brakes legal?

**Answer:** Surge brakes are not legal in interstate commerce. For vehicles that stay in Georgia, and do not carry interstate freight or passengers, surge brakes can be used on trailers that meet the limits of [OCGA §40-8-50\(d\)](#).

**Question:** Can I use a radar detector?

**Answer:** No. Radar detectors are prohibited in commercial vehicles 10,001 lbs. or above.

**Question:** What kinds of regulations are there about alcoholic beverages?



**Answer:** These regulations apply to all commercial vehicles, 10,001 lbs. or more:

The driver may not have any alcoholic beverage (including so called "non-alcoholic" beer) anywhere on the vehicle or combination. There are exceptions if the beverages are part of the legitimate manifested cargo, and for bus and limousine passengers.

The driver may not operate the vehicle with any measurable amount of alcohol in their system.

The driver may not consume alcohol within 4 hours of reporting to work.

A driver who violates these regulations will be shut down for 24 hours. The vehicle may be impounded.

**Question:** My truck has air brakes, but a GVWR of under 26,001 lbs. Do I need a Commercial Driver's License?

**Answer:** No, unless the vehicle is used to transport hazardous materials that require placards. Air brakes alone do not invoke the CDL requirement.

**Question:** Once I need a CDL, what else applies?

**Answer:** Drivers who are required to hold a Commercial Drivers License are also subject to the Alcohol and Controlled Substance (drug).

**Question:** Where can I get more information about the Motor Carrier Safety Regulations?

**Answer:** [The Federal Motor Carrier Safety Administration has a Regulatory Guidance section on their website.](#)

*NOTE: These Questions and Answers are general restatements of the Motor Carrier Safety Regulations and Georgia Law. Always consult applicable regulations and law specific to your situation.*



# Juvenile Court Procedures

## School Attendance/Conduct Suspensions

The driver's license of any person under the age of 18 years will be suspended by the Georgia Department of Driver Services upon notification that he/she has:

- Dropped out of school without graduating and has remained out of school for ten consecutive school days;
- Ten or more school days of unexcused in the current academic year or previous academic year; or
- Been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, or received a change in placement for committing one of the following offenses, or waived his or her right to a hearing and pleaded guilty to one of the following offenses:
- Threatening, striking, or causing bodily harm to a teacher or other school personnel;
- Possession or sale of drugs or alcohol on school property or at a school-sponsored event;
- Possession or use of a weapon on school property or at a school-sponsored event. For purposes of this subparagraph, the term 'weapon' shall be defined in accordance with Code Section 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project;
- Any sexual offense prohibited under Chapter 6 of Title 16; or
- Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.

### Suspension

- The suspension shall be for a period of one year, upon the date of such minor's 18th birthday, or upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, whichever comes first.

### Temporary/Limited Permit Available

- Yes

A limited permit may be available in cases in which the suspension would create an "undue hardship" on the juvenile or juvenile's family, or if there is clear and convincing evidence that the



enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor [O.C.G.A. § 40-5-22]. The limited permit (if granted) is \$25, non-renewable, and will become invalid upon the driver's 18th birthday. See O.C.G.A. § 40-5-64(e).

## **Court-ordered Suspensions**

Subsequent to an adjudication of "delinquent" for any offense governed by O.C.G.A. § 15-11-66, the court has the authority, as a matter of probation, to impose either a court-ordered suspension of a license for a period of time not to exceed the child's 18th birthday, or order the Department of Driver Services to delay the issuance of a driver's license for a period of time not to exceed the child's 18th birthday.

Subsequent to an adjudication of any Juvenile Traffic Offense governed by O.C.G.A. § 15-11-73, the court has the authority to impose any of the following sanctions:

- any sanction listed under O.C.G.A. § 15-11-66 [O.C.G.A. § 15-11-73(g)(6)]
- order, as a condition of probation, the Department of Driver Services to suspend the child's license or privilege of the child to be issued a license for a period of time not exceed 12 months. [O.C.G.A. § 15-11-73(g)(2)]
- Require the child to attend a traffic school approved by the Department of Driver Services or a substance abuse treatment clinic or program approved by the Department of Driver Services or Council of Juvenile Court judges for a reasonable period of time. [O.C.G.A. § 15-11-73(g)(3)]

If the juvenile has a driver's license and the violation is not an offense for which the license may be suspended by the Department of Driver Services, the court should hold the license until the suspension has concluded. By doing this, a reinstatement fee will not be required by the Department of Driver Services.

## **Reporting procedures:**

Currently, the GECPS process cannot electronically process court-ordered suspensions. Therefore, a court-ordered suspension must be submitted by mail, as part of the case disposition.

If the court-ordered suspension is reported on the Uniform Traffic Citation, the following phrase must be used in the "Disposition and Sentence" section on the reverse side of the UTC:

*"As a matter of probation, the driver's license will be suspended for a period of \_\_\_\_\_"  
(period of time)*





If the court chooses, or there is no Uniform Traffic Citation, the court-ordered suspension can be reported on the official DS 1137 form (“Juvenile Court Report of Suspension”).

The Uniform Traffic Citation or the official DS 1137 form is an acceptable means of reporting court-ordered suspensions. However, submit only one. Submitting both documents will result in duplicate suspensions.

### **Reinstatement**

The court should retain the driver’s license.

Court-ordered suspensions will “age off” of the record once the period of suspension has elapsed.

### **Under 16 years of age**

Upon being adjudicated delinquent, the court shall:

- Seize the juvenile’s instructional permit, if applicable.
- Complete the official DS 1137 form (Report of Juvenile Court Suspension), checking the 1st block marked “O.C.G.A. § 40-5-22.1”. Indicate on the DS 1137 form if this is the 1st or 2nd/Subsequent conviction.
- The instructional permit, if applicable, should be attached (not stapled) to the department’s copy of the DS 1137 form.
- Submit the DS 1137 form and the instructional permit, if applicable, to the Georgia Department of Driver Services within 15 days of the court’s finding.

If you submit the DS 1137, do not send the Uniform Traffic Citation to Driver Services. This may create an additional suspension for the juvenile.

If you report the disposition electronically via the GECPS process, do not send the Uniform Traffic Citation.



## **First Suspension**

The instructional permit (Class CP) will be suspended until the driver reaches the age of 17.

If the juvenile does not possess an instructional permit, the application thereof will be suspended until the juvenile reaches the age of 17. No license or permit will be issued until the juvenile has reached the required age.

## **Second Suspension**

The instructional permit (Class CP) will be suspended until the driver reaches the age of 18.

If the juvenile does not possess an instructional permit, the application thereof will be suspended until the juvenile reaches the age of 18. No license or permit will be issued until the juvenile has reached the required age.

### **Temporary/Limited Permit**

- No

### **Reinstatement Procedures**

Upon reaching the age of eligibility, the following requirements must be met before a driver's license will be issued:

1. Completion of a Drug/Alcohol Risk Reduction course approved by Driver Services or completion of a substance abuse clinic or program approved by the Council of Juvenile Court Judges. The original certificate of completion must be provided to Driver Services by the juvenile on or before the time of application; and
2. Payment of a \$210 restoration fee (or \$200 if applied for by mail).

If by mail, the following address should be used:

**Department of Driver Services  
PO Box 105182  
Atlanta, GA 30348-5182**

†† Do not report those cases which have been nolle prossed, reduced to a warning, dismissed, voided, or dead docketed; those cases which concluded in the child and parent being reprimanded or counseled; any other conviction that is exempted under O.C.G.A. Title 40; or any conviction that does not relate to the operation of a motor vehicle unless the conviction will generate a suspension of the person's driver's license or privilege to drive.



†† If the juvenile has more than one suspension, all suspensions must be cleared before the privilege to operate a motor vehicle may be granted by this Department.

## **Under 17 years of age**

### **Juvenile traffic offenses**

O.C.G.A. 15-11-73

The following offenses shall be **delinquent offenses** and shall not be handled as juvenile traffic offenses:

- Homicide by Vehicle,
- Manslaughter resulting from the operation of a vehicle,
- Any felony, in the commission of which, a motor vehicle is used,
- Racing on Highways and Streets,
- Using a motor vehicle in Fleeing or Attempting to Elude an Officer,
- Fraudulent or fictitious use of a license,
- Hit and run/Leaving the scene of an accident,
- Driving under the Influence of Alcohol or Drugs,
- Possession of a Controlled Substance or Marijuana, and
- Any other offense for which driving privileges may be suspended or revoked for an adult.

If the court finds on the admission of the child or upon the evidence that the child committed the offense charged, it may as a matter of probation or if the child is committed to the custody of the state, order the Department of Driver Services to suspend the child's privilege to drive under stated conditions and limitations for a period not to exceed 12 months and/or require the child to attend a traffic school or a substance abuse clinic or program approved and certified by either the Department of Driver Services or the Council of Juvenile Court Judges for a reasonable period of time. This can be accomplished by checking the 2nd block on the official DS1137 form marked "O.C.G.A. § 15-11-73" and submitting it to the Department of Driver Services. Please fill in the amount of time for the license to be suspended (not to exceed 12 months).

If the conviction itself will generate a suspension as a matter of law, simply report the conviction and our department will automatically suspend the license.



Upon finding that the child has committed a juvenile traffic offense or a delinquent offense that would be a violation of O.C.G.A. Title 40 if committed by an adult, the court shall forward, within 10 days, a report of the final adjudication and disposition of the charge to the Department of Driver Services. The Department of Driver Services shall record the adjudication and disposition of the offense on the child's permanent record and such adjudication and disposition shall be deemed a conviction for the purpose of suspending or revoking the individual's driver's license. Such record shall also be available to law enforcement agencies and courts as are the permanent traffic records of adults.

If an offense requires a suspension by this Department, the court must submit the driver's license, if applicable, and notice of the service of suspension, as well as all supporting documentation (either the DS Form 1137 or Traffic Citation, but not both) the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**



## Reporting Dispositions

Any change to the original charge should be noted under “Disposition and Sentence” on the reverse side of the citation. This notation should reflect the new charge and code section for which the defendant was convicted. Also, please draw a single line through the original charge and code section on the face of the citation and place the new charge and code section directly above the old one. Place your initials next to any changes.

### Traffic

Unless dispositions are submitted electronically via the Georgia Electronic Citation Processing System (GECPS) process, the court, upon adjudication of the case, shall report its verdict in the following manner: All citations should be mailed directly to:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

### Drugs

#### If the child is 15 years of age or younger at time of disposition:

All drug convictions under O.C.G.A. § 16-13-30 or O.C.G.A. § 16-13-72 should be reported to the Department of Driver Services by completing the official DS 1137 form. The first block “O.C.G.A. § 40-5-22.1” should be checked, and the court should note if the disposition is the child’s 1st or 2nd/Subsequent conviction.

The completed DS 1137 form and driver’s license, or lost license affidavit, if applicable, should be mailed to the following address:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**



**If the child is 16 years of age at the time of disposition:**

All drug convictions listed under O.C.G.A. § 40-5-75 [O.C.G.A. §§ 16-13-33; 16-13-30(a)(b) and (j); 16-13-2(b)] or O.C.G.A. §40-6-391(a)(2), (a)(3), (a)(4) or (a)(6) should be reported to the Department of Driver Services by completing the official DS 1242 form. The completed DS 1242 form and driver's license, or lost license affidavit, if applicable, should be sent to the following:

**Department of Driver Services  
PO Box 80447  
Conyers, GA 30013**

If the conviction is based on a warrant, the warrant should not be attached to the DS 1242 form.

**Disposition of Delinquent Child.**

O.C.G.A. § 15-11-66

At the conclusion of the dispositional hearing provided in subsection (a) of O.C.G.A. § 15-11-65, if the child is found to have committed a delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend the driver's license of such child for any period not to exceed the date on which the child becomes 18 years of age or, in the case of a child who does not have a driver's license, prohibit the issuance of a driver's license to such child for any period not to exceed the date on which the child becomes 18 years of age. The court shall retain the driver's license for a period of suspension and return it to the offender at the end of such period. The court shall notify the Department of Driver Services of any such actions taken pursuant to this subsection.

O.C.G.A. § 15-11-73(j): Reporting Procedures. Upon finding that the child has committed a juvenile traffic offense, or a delinquent offense which would be a violation of Title 40 if committed by an adult, the court shall forward, within ten days, a report of the final adjudication and disposition of the charge to this Department. The method of reporting these violations is covered under the "Traffic" section above.

**Do Not Report** those cases which have been nolle prossed, reduced to a warning, dismissed, voided, dead docketed; those cases which concluded in the child and parent being reprimanded or counseled; any other conviction that is exempted under Title 40; or any conviction that does not relate to the operation of a motor vehicle unless a suspension is generated by the court.



## Miscellaneous Information

**City or County Ordinances:** Do Not use a city or county ordinance as the violation code. These will not be processed by DDS. Use the Code Section from the Official Code of Georgia Annotated.

**Open Container Law:** This violation assesses two points if the person was driving at the time of the violation. All convictions involving drivers must be reported to this Department. DO NOT report passengers that are in violation of the open container law.

**Completion Certificate from a Drug or Alcohol Course:** If the course is completed after violation date, the certificate will be accepted at any time provided the certificate has not already been used for the reinstatement of any other suspension.

**Lost License Affidavit:** The form (DS 250A) has been provided to meet the requirement of submitting a license to the court in those cases where the defendant is unable to surrender his/her license. This form must be sent to DDS in lieu of the defendant's driver's license if the license has been lost or stolen.

**Suspended Driver's License:** The Department shall retain possession of any suspended license that has been forwarded to it if the expiration date is one year or more from the date received. If the expiration date is less than one year, the license may be destroyed.

**Implied Consent Suspension:** A defendant no longer has the option of pleading guilty to the offense of DUI for the purpose of nullifying an Implied Consent suspension that has already begun (12 month suspension).

**Extension of the 180 Day Permit (DS 1127):** (Blue and White Temporary Driving Permit placed on the bottom of DUI citation) At the time a law enforcement officer takes a person's driver's license for an alcohol concentration in violation of O.C.G.A. §40-6-391 but less than the level for an administrative license suspension under O.C.G.A. §40-5-67.1, the officer shall issue an 180 temporary driving permit. This permit shall be valid until the expiration of 180 days or until the person's driving privilege is suspended or revoked. The Director of Driver Services or the Director's designee must authorize all extensions of this permit. The Department shall extend the permit for 30 days only upon receipt of an order from the judge, clerk of court, or solicitor from the court of jurisdiction stating that the case has not yet been adjudicated. The 30 day extension will be DS Form 1128 which, when accompanied with the Uniform Traffic Citation for violation of O.C.G.A. § 40-6-391, will serve as a temporary driver's permit for 30 days. The Department shall not issue more than five (5) 30-day extensions of the 180-day permit.



### **Production of Evidence**

If you are electronically connected by a GCIC computer terminal to the data center of the Department of Driver Services, you may receive records as evidence without any additional certification from this Department (O.C.G.A. §40-5-2 and O.C.G.A. §24-3-17).

Under O.C.G.A. §24-3-17, this record “shall be admissible as evidence as proof of the act, transaction, occurrence, or event...”

Before any additional documentation is subpoenaed from this Department, please check the driving record for all pertinent data before making your request.





# **DS FORMS**

## **Courts and Law Enforcement Officers**

DS 32C	Report of Conviction for Violation of Motor Vehicle Laws.
DS 250A	Lost License Affidavit.
DS 354	Georgia Implied Consent Notice
DS 912	Notice of Failure to Comply with Terms of Citation (Failure to Appear).
DS 1030	Personal Service of Habitual Violator by Apprehending Officer or Court
DS 1126	First DUI Conviction Court Affidavit.
DS 1127	180-day Temporary Driving Permit (For DUI arrests not qualifying for DS1205).
DS 1137	Report of Juvenile Court Suspension.
DS 1150	Notice of Suspension/Revocation by a Sworn Officer.
DS 1189	Notice of Habitual Violator by the Court
DS 1190	Notice of Suspension/Revocation by the Court
DS 1205	Administrative License Suspension
DS 1205S	Administrative License Suspension Supplemental
DS 1242	Report of Conviction for Possession of Controlled Substances or Marijuana.

The forms listed above may be ordered by placing your request on Court/Agency letterhead. This request should list the form number as well as the title of the form.

FAX your request to (678) 413-8489 [Attn: Tammy Morgan] or mail your request to:

**Department of Driver Services**  
**Attn: Tammy Morgan**  
**PO Box 80447**  
**Conyers, GA 30013**



## Support of Court Functions

Our customer service numbers for the **general public** are as follows:

678-413-8400

or, outside Atlanta Metro Calling Area: 1-866-754-3687

The following information is provided to courts, officers of the court, and law enforcement personnel in confidence. **Please, these numbers should not be disclosed to the general public under any circumstances:**

**For specialized customer assistance and court corrections, please contact:**

Court and Law Enforcement Help Desk

(678) 413-8478

(678) 413-8847

(678) 413-8479 [Facsimile]

**For questions regarding GECPS registration, testing, or production, please contact:**

(770) 918-5859



## Directions to Conyers Driver's License Facility

[www.dds.ga.gov](http://www.dds.ga.gov)

**Public Phone # - (678) 413-8400**

The Georgia Department of Driver Services headquarters is located at 2206 East View Parkway in Conyers.

From Atlanta, take I-20 East to the Georgia Highway 138 Exit (Exit #82). Turn left on GA-138 (toward Monroe/Athens). Take GA-138 to East View Parkway (approximately 2.5 miles). Turn right on East View Parkway. DDS will be approximately .5 miles on the left. Follow signs to the public parking area

DDS Headquarters handles all types of driver's license reinstatements. You may also obtain a copy of your motor vehicle report there. The reinstatement/MVR section is closed to the public on Sunday, Monday, and State Holidays.

The hours are Tuesday through Saturday from 7:30 AM - 5:00 PM.



## Notes

